

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 639 OF 2022

Mustaffa @ Mustakim Hanif Patel And Anr.	...Applicants
Versus	
State Of Maharashtra	...Respondent

**WITH
CRIMINAL APPLICATION NO. 640 OF 2022**

Vikram Duryodhan Barkade	...Applicant
Versus	
State Of Maharashtra	...Respondent

....

Ms. Rui Danawala i/by Mr. Umesh Mankapure, Advocate for the Applicant.

Mr. A.R. Patil, APP for the Respondent – State.

CORAM	:	PRAKASH D. NAIK, J.
DATE	:	12th SEPTEMBER, 2022.

PER COURT:

1. The applicants in both these applications have challenged the order dated 29th June, 2022 passed by Additional Sessions Judge, below Exhibit-1 in Miscellaneous Application No. 25 of 2022 cancelling bail granted to the applicants in C.R. No.924 of 2021 registered with Karad City Police Station.

2. The application was moved by the Investigating Officer contending that the accused had failed to abide terms and conditions as directed by Court. They did not make their attendance serious hindrance in the investigation.

3. The applicants Nos. 1 and 2 in Criminal Application No.639 of 2022 were granted bail vide order dated 2nd February, 2022. The applicant No.3 was granted bail by order dated 17th February, 2022 in Criminal Application No. 640 of 2022 was granted bail vide order dated 31st January, 2022.

4. While granting bail the applicant Nos. 1 and 2 in Criminal Application No. 639 of 2022 were directed to report concerned police station on every Monday once in a week between 8:00 a.m. to 11:00 a.m. till filing charge-sheet. In the event of breach of conditions, it was directed that liberty granted to applicants shall stand cancelled without further order. Similar condition was imposed on applicant No.3 vide order dated 17th February, 2022. the applicant in Criminal Application No. 640 of 2022 was also directed to comply similar condition. Bail was cancelled by order dated 29th June, 2022. The Sessions court had observed that on several occasions, the applicants had failed to mark their attendance before Investigating Officer.

5. Vide order dated 6th July, 2022, this Court had stayed the operation of order dated 29th June, 2022.

6. Learned Advocate for applicants submit that, attendance was not complied due to communication gap. Most of the time

applicants have attended police station. The applicants in Criminal Application No. 639 of 2022 has filed undertaking, that they would remain present before police station on every Monday as per order of Court. The applicant in Criminal Application No. 640 of 2022 filed similar undertaking .

7. Learned APP submitted that the bail was cancelled on account of breach of condition. On several occasions the applicants did not attend the concerned police station and failed to comply the direction of the Sessions Court.

8. It is noted that the applicants, had attended police station subsequently. Charge-sheet has been filed. The condition of attendance was till filing of charge-sheet. It is contended by Advocate for applicants that the applicants are attending the trial Court regularly.

9. In this circumstances, the impugned orders can be set aside.

ORDER

i. Criminal Application No. 639 of 2022 and Criminal Application No.640 of 2022 are allowed.

ii. The impugned order dated 29th June, 2022 passed by Sessions Court cancelling bail granted to the applicants is set aside.

- iii.** The order granting bail to the applicants is restored.
- iv.** The applicants shall attend the trial Court regularly unless exempted by the Court. The applicants shall pay cost of Rs.5,000/- by each of them within a period of three weeks.
- v.** The cost shall be paid to High Court legal Aid Service Authority.
- vi.** The receipt of deposit of cost shall be produced before registry of this Court.
- vii.** Applications stand disposed off.

(PRAKASH D. NAIK, J.)