

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

CRIMINAL APPLICATION NO. 79 OF 2018

Maleka Dagdu Fakir

..Applicant.

Versus

The State of Maharashtra & Ors.

..Respondents

Mr. Subhash V. Gutte for Applicant.

Mr. R. M. Pethe, APP for State/Respondent No.1.

Ms. Bharti Lokhande i/b. Raju M. Yamgar for Respondent Nos.2 to 7.

CORAM : SARANG V. KOTWAL, J.

DATE : 30th AUGUST 2022

PC :

1. This is an application for cancellation of bail granted to the Respondent Nos.2 to 7 by the Sessions Court, Thane in A.B.A.No.1547 of 2016 in C.R.No. I-91 of 2016 registered with Thane Nagar police station, Thane. That order was passed by learned Additional Sessions Judge, Thane on 23/06/2016. Clause 2 of the operative part included a condition that the accused/Respondent Nos.2 to 7 herein were directed to attend the concerned investigating officer once in a week i.e. on every Sunday between 10.00 to 12.00hrs.

2. It is the case of the applicant, who is the first informant, that the Respondent Nos.2 to 7 have breached this condition and, therefore, bail should be cancelled. Learned counsel relied on the report dated 25/10/2017 filed by the A.P.I. Thane Nagar police station, Thane. Learned counsel submitted that the State of Maharashtra had asked for cancellation of bail on the same ground before the Sessions Court and in that application, this report was filed which mentions that the accused had not attended the I.O.'s office between 21/08/2016 to 13/08/2017, but they were attending the Investigating Agency's office from 20/08/2017 onwards.

3. Learned Additional Sessions Judge, vide order dated 05/12/2017 rejected that application for cancellation of bail. It was observed that, since 20/08/2017 from the date of passing of order dated 05/12/2017 in Criminal M.A.No.104 of 2017 the accused were regularly attending the police station. The accused were not even formally arrested by the concerned police. It was also observed that the Hon'ble High Court had directed the concerned police not to file charge-sheet. It was further observed

that, detaining the respondents for any period particularly when there is no likelihood of filing of charge-sheet without permission of the High Court would be unjustified and on this reasoning the application for cancellation of bail was rejected.

4. Learned counsel for the applicant herein also referred to an order dated 14/06/2019 passed in Criminal Application No.189 of 2019, wherein, the condition of reporting to the police station was relaxed by this Court (Coram: Revati Mohite Dere, J.). Learned counsel submitted that, even at that time the accused had not pointed out that the present application for cancellation of bail was pending before this Court.

5. I have considered these submissions. The original order granting anticipatory bail was passed way back in the year 2016 i.e. on 23/06/2016. Thereafter, the Sessions Court had considered the subsequent developments and by reasoned order rejected the application for cancellation of bail. Subsequent to that, even this Court had relaxed the condition of reporting to the police station. Therefore, there is absolutely no point in cancelling bail granted to

the Respondent Nos.2 to 7 in A.B.A.No.1547 of 2016 by the Sessions Court, Thane.

6. In view of this discussion, the application for cancellation of such bail is rejected.

(SARANG V. KOTWAL, J.)