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

**INTERIM APPLICATION NO. 214 OF 2022
IN
ANTICIPATORY BAIL APPLICATION NO.823 OF 2020**

Uttamkumar Gajendranath Maji ..Applicant
vs.
1. Vikram Singh Moti Singh Rao
2. State of Maharashtra ..Respondents

Mr. Ashwin R. Rana, for applicant.
Mr. S.V. Gavand, APP for respondent-State.
API, Mr. Dinkar Ilag, L.T. Marg Police Station is present.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 29, 2022

P.C. :

1. This is an application for cancellation of anticipatory bail granted by this Court to the original applicant -Vikram Singh Moti Singh Rao by an order dated 04/02/2021 in Anticipatory Bail Application no. 823 of 2020.

2. By this application, it is contended by the original complainant that the applicant has committed the breach of the affidavit-cum-undertaking and has not been complied with the conditions mentioned therein. The complainant has

specifically in the application stated that the accused has not adhered the schedule as promised. Learned APP submits that a notice issued by this Court upon the accused was tried to be served, but he has refused to accept the notice. An endorsement of the postal authority is placed on record. The order dated 10/10/2022 records that the affidavit of service filed by the applicant is taken on record and it reflects that an attempt was made to serve the accused. It is further recorded that since the applicant seeks cancellation of bail granted to the accused, in the wake of the breach of the undertaking, the Investigating Officer was directed to serve the notice. By an order dated 14/11/2022, the statement of learned counsel for the complainant is recorded that the accused has been served by post. An affidavit of service in terms of the order has been filed. In the affidavit filed, it has been specifically stated that apart from the service which was effected, the accused was also served by whats-app when he made enquiry regarding the proceedings. It appears that not only is the accused not complying with the conditions on the

basis of which he was granted pre-arrest bail but is avoiding service of notice. In these circumstances, I have no other option but to cancel the anticipatory arrest bail which was granted in favour of Vikram Singh Moti Singh Rao as I am satisfied that the applicant has not complied with the undertaking.

3. The application is allowed. The anticipatory bail granted by an order dated 04/02/2021 is cancelled. The Investigating Officer to proceed.

4. The interim application is disposed of.

(M. S. KARNIK, J.)