

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

**CRIMINAL WRIT PETITION NO.6423 OF 2021
WITH
CRIMINAL WRIT PETITION NO.6426 OF 2021**

Sujeet Subhash Goswami Petitioner

Vs.

State of Maharashtra & Anr. Respondents

Mr. Bharat B. Gawande for the Petitioner
Mr. J. P. Yagnik, APP for the State

**CORAM: S.B.SHUKRE &
G.A.SANAP, JJ.**

DATED : MARCH 2, 2022

P.C.

1 Heard.

Rule.

Rule is made returnable forthwith.

Heard finally by consent of the parties.

2 The first order dated 15th November 2021 insofar as it requires the presence of the Applicant at the time of hearing the application seeking cancellation of the warrant, requires interference, in the light of the submissions made by learned Counsel for the Petitioner. These submissions are noted in the ensuing paragraph.

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3 The learned Counsel for the Petitioner submits that the Petitioner is ready to give an undertaking to the Trial Court to the effect that on every date fixed by the Trial Court, the Petitioner shall personally remain present and if the Petitioner has some urgency, he would first seek exemption from his personal appearance before the Trial Court by making a suitable application to the Trial Court. These submissions indicate reasonableness and therefore, Rule is made absolute by issuing following directions.

a. Both the orders dated 15th November 2021 rejecting the application of the Petitioner to cancel the warrant are hereby quashed and set aside. The application not being made properly is also disposed of.

b. The Petitioner shall appear before the Trial Court on the next date already fixed in the matter and is permitted to make a fresh application seeking cancellation of the bail, on that day.

c. If any fresh application for cancellation of bail is made by the Petitioner, the same shall be heard and decided on its own merits and keeping in view the undertaking of the Petitioner by the Trial Court, at the earliest or on the same day, on which the application is filed, if convenient.

d. The Petitioner shall submit an undertaking to the Trial Court on the lines suggested above and such undertaking, if submitted before the Trial Court, the Trial Court shall consider to accept the same.

e. The Petitioner to appear before the Trial Court on 4th March 2022, at 3.00 p.m.

f. Rule is made absolute in the aforesaid terms.

g. Parties to act on an authenticated copy of this order.

(G.A.SANAP, J.)

(S.B.SHUKRE, J.)