

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

**CRIMINAL APPLICATION NO. 1579 OF 2018
IN
BAIL APPLICATION NO. 2536 OF 2018**

Anandrao Dattatraya Kokane ..Applicant.
Versus
The State of Maharashtra & Anr. ..Respondents

Mr. Balwant Salunkhe i/b. _____
Smt. Veera Shinde, APP for State/Respondent No.1.
Mr. Ghanasham S. Jadhav for Respondent No.2.

**CORAM : SARANG V. KOTWAL, J.
DATE : 2nd AUGUST 2022**

PC :

1. This application is basically for cancellation of bail granted to the Respondent No.2 vide order dated 22/10/2018 passed in Bail Application No. 2536 of 2018 by this Court (Coram: Smt. Anuja Prabhudessai, J.). While granting bail, two important conditions were imposed on the Respondent No.2. Vide Clause (ii) of the operative part, the applicant was prohibited from entering the area of Rautvasti, Zargadwadi, till framing of the Charge. By Clause (iv) it was directed that the applicant shall not interfere with the first informant, injured and other witnesses in any

manner and by Clause (v) the applicant was directed to report to I.O. and in his absence to Senior P. I. of Baramati (Rural) police station on first and third Monday of every month between 11.00a.m. to 2.00p.m., until further orders.

2. Learned counsel for the applicant/first informant submits that the Respondent No.2 has violated all these three conditions and, therefore, bail should be cancelled. He relied on some recent photographs, which are produced in the court, which show that the applicant was very much present in the village in his agricultural field. Learned counsel also submitted that the trial Court had to issue N.B.W. against the Respondent No.2 to secure his presence during trial. He further submitted that on three previous occasions adjournment was sought on behalf of the Respondent No.2 and in the meantime, Charge was framed. Thus, the Respondent No.2 is taking advantage of his own wrong.

3. Learned APP also supported this application by filing a report of police officer showing such violation. The report is taken on record. The police have supported the case of the applicant

herein that, Respondent No.2 has violated these conditions.

4. Learned counsel for the Respondent No.2 submitted that, N.B.W. issued by the trial court was cancelled by that Court when the Respondent No.2 appeared in the trial Court. Now the Charges are framed. There is no untoward incident since 22/10/2018. Therefore, there is no necessity of cancelling bail granted to the Respondent No.2, after about 4 years. He further submitted that the Respondent No.2 shall attend the trial on each and every date without fail and shall co-operate in expeditious disposal of the trial.

5. I have considered these submissions. Of course, violation of the conditions of bail cannot be justified; neither they can be ignored. However, as of today the Charge is framed and the trial is progressing. It is expected that it is conducted expeditiously. Apart from violation of the conditions, there are no allegations of any further offence having been committed by the Respondent No.2. The Respondent No.2's presence is marked before the trial court when warrant against him was cancelled. Cancellation of bail is of

serious nature. In this particular case, since the Respondent No.2 is available before the trial court and since there was no other offence committed by him. In view of this, I am inclined to grant him one more chance to comply with the rest of the conditions mentioned in the order dated 22/10/2018. The condition not to enter Rautvasti, Zargadwadi does not survive any more because it was only up to the stage of framing of Charge. The other conditions apply even today and he shall comply with those conditions including condition to report to the police station. The violation of remaining conditions henceforth will not be condoned.

6. With these observations, the Application is disposed of.

(SARANG V. KOTWAL, J.)