

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPP) NO.1105/2021

IN

CRIMINAL APPLICATION (APPA) NO.203/2019

IN

CRIMINAL APPEAL NO.126/2019

Amol @ Chidia s/o Bundela Gravkar

Vs.

State of Maharashtra, through its P.S.O. P.S. Panchpaoli, Distt. Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Sk. Sabahat Ullah, Advocate for appellant
Shri I.J. Damle, APP for respondent/State

CORAM : SMT. M.S. JAWALKAR, J.

DATED : 22/09/2022

The present application is filed by the State for cancellation of bail. It is submitted that the present applicant had filed present appeal challenging the judgment dated 20/12/2018 passed by the learned Additional Sessions Judge, Nagpur in Sessions Case No.366/2014. The learned Additional Sessions Judge convicted the present appellant for the offence punishable under Section 324 of the Indian Penal Code for a period of three years. The appellant had also filed one application for suspension of sentence during the pendency of appeal vide Criminal Application No.203/2019.

2. This Court after hearing the matter suspended the sentence and released the accused on bail on the same terms and conditions as in the Trial Court.

3. It is submitted that there are various offences registered against the accused in Panchpaoli Police Station after releasing him on bail.

4. Learned Counsel for appellant relied on the judgment of Karnataka High Court in case of ***Khajim @ Khajimulla Khan Vs. State of Karnataka in Criminal Revision Petition No.1364/2019***, wherein it is held that bail once granted should not be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during the trial.

5. Learned Additional Public Prosecutor submits that considering the offences registered against the appellant after releasing him on bail, it is necessary to cancel the bail. It is a matter of record that after releasing on bail, offences are registered against the appellant.

6. In view thereof, the apprehension of the prosecution that the appellant will indulge in another criminal activities if bail is not cancelled, can be taken care of by adding further condition to the bail order already passed that the appellant will stay out of jurisdiction of Panchpaoli Police Station during the pendency of the appeal. It is made clear that if this

bail condition is jumped in future, then that will be the ground for the prosecution to move an application for cancellation of bail and this Court will consider the same.

7. The application is disposed of.

JUDGE

R.S. Sahare