

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

Criminal Application (APPLN) No. 79 of 2021

State of Maharashtra, through Police Station Officer, Police Station
Mankapur, Dist. Nagpur

Versus

Sheikh Mohsin @ Baba S/o Sheikh Musa

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms Shamshi Haider, APP for the State/applicant.
Shri V.M.Mate, Advocate for the non-applicant.

**CORAM : ANIL S. KILOR, J.
DATED : 6th JULY, 2022.**

This is an application for cancellation of bail granted to the non-applicant by this Court vide order dated 30th September, 2020. The only ground for seeking cancellation of bail is that the non-applicant has misused the liberty and committed eight offences after he was released on bail.

2. Learned counsel for the non-applicant no.2 opposes the present application and points out that out of eight offences, in one offence namely crime No.8 of 2022, he was acquitted, whereas, one offence is under the Gambling Act and two offences are non-cognizable

and out of remaining three offences Crime No. 14 of 2022 under Sections 294, 506(2) read with Section 34 of Indian Penal Code is not serious, and the crime No.92 of 2021 was filed by the associate of victim. Whereas crime no. 238 of 2022 was lodged by the mother of victim to falsely implicate applicant in those offences.

3. He therefore, submits that applicant has not misused the liberty, however, he is ready to give undertaking that he will not enter territorial jurisdiction of Mankapur till the culmination of trial connected with the Crime No. 98 of 2017 registered with Mankapur Police Station, for the offence punishable under Section 307 read with Section 34 of the Indian Penal Code.

4. I have perused the application, reply and documents filed on the record.

5. From the crime chart, it can be seen that after the applicant was released on bail vide order dated 30th September, 2020, two non-cognizable offences were registered and six cognizable offences were registered against the non-applicant.

6. Out of those six cognizable offence, one offence is not serious i.e. Crime No.14 of 2022 registered under Section 294, 506 read with section 34 of Indian Penal Code and crime No.8 of 2022 was filed

by the associate of victim in which the non-applicant was acquitted. The crime No.70 of 2021 was under the Gambling Act and the remaining two offences were filed at the instance of Associate of the victim and mother of the victim. It is the submission of the non-applicant that to falsely implicate the applicant and to make a case for cancellation of bail, the said offences were registered.

7. To substantiate his submission, he points out that in similar matter which was registered at the instance of associates of victim vide Crime No.8 of 2022, the applicant was acquitted.

8. Be that as it may, considering the above referred facts and circumstances, I am of the opinion that if the undertaking of the non-applicant is accepted which he has given on affidavit on 2nd July, 2022, whereby he has undertaken that he will not commit and indulge himself in any kind of further criminal activity in future under the jurisdiction of Mankapur Police Station and any other police station and further he will not reside and will stay out of the jurisdiction of Mankapur police station, the purpose would be served.

9. Thus, to give one more opportunity to the non-applicant to abide the condition of the bail and not to misuse the liberty granted to him, I pass the following order.

10. The application is disposed of in following terms:

- i. The undertaking given by the applicant dated 2nd July, 2022 is accepted.
- ii. Non-applicant shall not commit any offence in future under the jurisdiction of Mankapur or any other police station.
- iii. He shall not enter into territorial jurisdiction of Mankapur Police Station till the culmination* of trial in Crime No.98 of 2017, except for trial.
- iv. The State is at liberty to file application for cancellation of bail, in case, non-applicant commits any offence in future.

[ANIL S. KILOR, J.]

SACHINDANAND
K NAIR

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