

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

CRIMINAL APPLICATION (APPLN) NO. 95 OF 2021

State of Maharashtra thr. PSO PS., Umred, Nagpur **Versus** Jitesh Waman Kumbhare

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

Court's or Judge's Order

Shri T.A.Mirza, Counsel for the State/applicant.

CORAM : ANIL S. KILOR, J.
DATED : 14/07/2022.

1. On 24/06/2022, while adjourning this matter for today, this Court has observed that though reasonable period has been lapsed after issuing notice to the non-applicant, the State is not able to serve the notice on the non-applicant.

2. It is also observed that, this application which is filed by the State for cancellation of bail granted to the non-applicant, is pending since December-2021.

3. Today, the learned APP makes a statement that the non-applicant is not traceable. He has placed report of the Assistant Police Inspector, Police Station, Umred dated 05/07/2022 to that effect, which is taken on record and marked as "Article X" for identification.

4. In this case, the cancellation of bail is sought on the ground that the non-applicant was directed to attend the concerned Police Station on every First Thursday of each month, however, he failed to attend the concerned Police

Station. The order granting bail to the non-applicant is dated 26/11/2020. On First Thursday of December-2022, when the non-applicant did not attend the concerned Police Station, the police ought to have immediately taken necessary steps in this matter.

5. The present application came to be filed in the month of September-2021 i.e. after about ten months, of first default. Now, after filing of the present application, the State is not in a position to tress-out the non-applicant and serve the notice.

6. Thus, considering the above referred factors, I am of the opinion that the present application needs to be disposed of with liberty to the State to file restoration application in the present matter, in case, the State is able to tress out the whereabouts of the non-applicant.

The criminal application is **disposed of**, accordingly.

[ANIL S. KILOR, J.]