

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO.4132 OF 2022
WITH APPLN/1067/2022 IN APPLN/4132/2022**

**MANISH SHESHMAL BHANDARI
VERSUS
THE STATE OF MAHARASHTRA**

Mr. Gajanan G. Kadam, Advocate for the applicant
Mr. G. O. Wattamwar, APP for the respondent/State

CORAM : R. M. JOSHI, J.

DATE : 10th AUGUST, 2023

P.C. :-

1. Learned counsel for the applicant, on instructions, states that the applicant will not be in a position to appear in person before the learned Sessions Court and that he cannot be compelled to do so. In order to support his contention reliance is placed on judgment of this Court in case of ***Deepak Gopaldas Bajaj Vs. Union of India & Ors*** in ***Criminal Application No. 2510/2008***. There cannot be any dispute about the fact that the applicant herein cannot be compelled only for purpose of hearing of application for cancellation of bail to remain present before the Court. However, at the same time an important aspect of the matter cannot be ignored that the applicant was released on bail with certain conditions, and as observed in impugned order, those conditions are not complied and hence for the purpose of compliance of those

conditions the applicant will have to remain present before the Sessions Court. If the conditions of bail are not complied it would be open for the Sessions Court to consider the said aspect of non compliance of the conditions of bail at the time of application for cancellation of bail.

2. On instructions learned counsel for the applicant makes statement that the Advocate shall appear on behalf of the applicant on 19th August, 2023. Applicant therefore is treated as served in the application for cancellation of bail. Learned Addl. Sessions Judge to dispose of application within a period of one month.

(R. M. JOSHI, J.)

ssp