

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

APPLICATION FOR CANCELLATION OF BAIL NO.157 OF 2023

IN BA/2174/2022

WITH APPLN/2839/2023 IN BA/2174/2022 WITH
APPLN/2956/2023 IN APPLN/2839/2023

HARISH RAMCHANDRA MADAN
VERSUS
DILIP VISHNU CHITTE AND ANOTHER

...

Advocate for Applicants : Mr. Patil Shrikant S.
APP for Respondent/s-State : Mr. S. P. Tiwari.
Advocate for Respondent No.1 : Mr. Chaudhari N. L.

...

CORAM : S. G. MEHARE, J.
DATE : 27.10.2023

PER COURT :-

1. Heard the learned counsel for the applicant, learned APP for the respondent-State and learned counsel for the accused.
2. It is the case for cancellation of bail flouting the bail conditions. Various CCTV footage have been placed on record showing that the applicant was present in Dhule town at late hours.
3. Learned counsel for the applicant has vehemently argued that the applicant has deliberately flouted the bail conditions and misused the same. He also submitted that apart from the

dates fixed for his appearance in the case registered on the present crime, the accused was located in the Dhule town.

4. Learned counsel for the non-applicant submits that the applicant never enter Dhule town except for attending the trial. There are other suits and trials pending against the applicant and some crimes were also registered against him. Hence, after intimating the police, he entered the Dhule town for attending those cases. On few dates, he entered Dhule town as the Investigating Officer called him. Therefore, there is no deliberate flouting of the bail condition.

5. It appears from the record that most of the time, the accused was entered the town to attend the trial arising out of the present crime. It is also not disputed that the accused is facing many other cases.

6. It seems the accused mis-interpreted the bail conditions imposed by this Court. The applicant was under the impression that he was allowed to attend each and every trial going on against him. The record reveals that he attended the trial entering the town apart from the crime, in which, he has been granted bail conditionally. Possibility of mis-interpreting the order cannot be ruled out. Fortunately, he entered the town, no serious incident happened. The accused is 60 years old and

have a livelihood from a small hotel. This Court has imposed the bail conditions on 17.01.2023. Around nine months he is following those conditions. He was supposed to apply this Court for leave to attend the other trials also. He was also supposed to leave the town immediately after the Court hours. He applied the Rule of ending of the day at mid-night. Considering the facts and circumstances, it cannot be accepted that he entered the town deliberately and flouted the bail conditions.

7. Hence, the application for cancellation of bail deserves to be rejected.

8. However, for avoiding the complications in future, the bail condition not to enter Dhule town for one year except for trial and attending the Police Station for investigation on written notice, till filing of charge sheet is clarified that, “the accused may attend the other trials, if any pending, in addition to the trial arising out of the present crime, in which, the bail is granted, but, he shall leave the town forthwith after 6.00 p.m., henceforth”.

Cri.Appln.2839 of 2023

9. Time granted to the learned counsel for the applicant to amend the grounds for cancellation.

10. Stand over to 31.10.2023.

Cri.Appln.2956 of 2023

11. Stand over to 31.10.2023.

(S. G. MEHARE, J.)

...

vmk/-