

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR CANCELLATION OF BAIL NO.170 OF 2019
IN
ANTICIPATORY BAIL APPLICATION NO. 889 OF 2019

Kamlesh Hastimal Gandhi ...Applicant

Versus

The State Of Maharashtra And Anr. ...Respondents

Mr. N.S. Jaju, Advocate for applicant.

Mr. A.A. Jagatkar, APP for respondent No. 1.

Mr. Navin Shah h/f. Mr. S.V. Natu, Advocate for respondent No. 2.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 17th FEBRUARY, 2023

ORDER :

1. By this application under section 439 (2) Cr.P.C., applicant/informant seeks cancellation of anticipatory bail granted in favour of accused by this Court in Crime No. 208/2019 registered with Shevgaon Police Station, Ahmednagar, under sections 420,406 read with 34 of the Indian Penal Code.

2. Heard the learned advocate for the applicant, learned Additional Public Prosecutor for State and learned advocate for respondent No. 2. Perused the documents placed on record.

3. Learned advocate for the applicant by relying on *State of Maharashtra Vs. Rajesh Shrinivas Kuken Nagappa Chawl and Another*, 2014 SCC OnLine Bom 135 submits that the accused has flouted the conditions imposed by this Court and has not attended the police station as directed by this Court and therefore on that ground alone anticipatory bail granted to respondent No. 2 is liable to be cancelled.

4. This Court granted anticipatory bail to respondent No. 2 by order dated 22.07.2019. The investigation officer has neither claimed that the accused has flouted the conditions, nor he has preferred any application for cancellation of anticipatory bail. In that view of the matter observations in Rajesh Kuken Nagappa (supra) would not help the applicant.

5. On 03.03.2020, charge sheet is filed in the present crime and case is numbered as Regular Criminal Case No. 33/2020. Taking into consideration the fact that charge sheet is filed and case is numbered, it is not desirable to cancel the anticipatory bail granted to respondent No. 2 in the year 2019. The application is therefore, rejected.

[NITIN B. SURYAWANSHI, J.]