

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2 OF 2021

Joan Joseph Bardeskar

... Applicant

V/s.

State of Maharashtra and Ors.

... Respondents

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Mr. Rajeev Patil, Senior Advocate a/w. Ms. Ankita Nishad i/b. Vrushali Maindad for Applicant.

Ms. Anamika Malhotra, APP for Respondent-State.

Mr. Hrishikesh Mundargi a/w. Mr. Meghdeep Oak for Respondent No.2.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 11th SEPTEMBER 2023

P C:-

1. By this Application, Applicant is seeking cancellation of bail in C.R.No. 331 of 2020 registered with Rajarampuri Police Station, Kolhapur for the offence punishable under Sections 403, 406, 420, 418, 467, 468, 120(B) read with 34 of Indian Penal Code (for short "IPC") and Section 3 of Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999.

2. It is the contention of learned Senior Counsel for the Applicant that after getting bail, Respondent No.2 was absconding hence, trial Court had issued nonailable warrant against the

Respondent No.2. Learned Senior Counsel further submitted that the offence is registered in the year 2020 yet trial has not commenced. Applicant has been cheated by Respondent No.2 and co-accused. As Respondent No.2 is not attending the trial Court dates regularly and he is not available for the trial, hence his bail be canceled and requested to allow the Application.

3. It is the contention of learned Counsel for Respondent No.2 that two crimes were registered against the Respondent No.2. In one crime, trial has began and in the present crime yet trial has to be commenced but Respondent No.2 will attend the trial Court dates regularly and if this Court modify any condition, Respondent No.2 will abide to it.

4. I have heard both the learned Counsel.

5. Respondent No.2 has been released on anticipatory bail by learned Sessions Court. It is contention of the Applicant that Respondent No.2 is not attending the trial Court dates regularly due to which yet trial has not commenced.

6. In view of the above, I pass the following Order:

ORDER

(i) Application is partly allowed.

(ii) Respondent No.2 is directed to attend the trial Court dates regularly in respect of this C.R., two consecutive default without filing exemption application will be a ground to the Applicant to approach this Court for cancellation of bail.

(iii) Respondent No.2 is directed to attend the concerned Police Station till framing of charge once in a month i.e. first Monday between 11.00 a.m. to 3.00 p.m.

7. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)