

VRJ

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**WRIT PETITION NO.501 OF 2023**

Manoj Baliram Dhumal

... Petitioner

**V/s.**

The State of Maharashtra

... Respondent

VAIBHAV  
RAMESH  
JADHAV  
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VAIBHAV RAMESH  
JADHAV  
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Mr. Jyotiram S. Yadav for the applicant.

Mr. Pandurang H. Gaikwad, APP for the  
respondent/State.**CORAM : AMIT BORKAR, J.****DATED : JULY 18, 2023****P.C.:**

1. The petition arises out of order dated 21<sup>st</sup> January 2023, cancelling pre-arrest bail granted by the learned Sessions Judge by order dated 4<sup>th</sup> April 2022 in Criminal Bail Application No.1010 of 2021. It appears that the Sessions Court while passing order dated 4<sup>th</sup> April 2022 inter alia imposed following two conditions:

“a) He shall attend the concerned police station on each Saturday in between 11.00 a.m. to 2.00 p.m., till filing charge-sheet.

e) He shall refund the amount i.e. Rs.4,55,000/- to the informant within 15 days from the date of this order.”

2. Prosecution filed an application for cancellation under section 439(2) of the Criminal Procedure Code, 1973, alleging breach of condition Nos.(a) and (e). Learned advocate for the

petitioner on 24<sup>th</sup> April 2023 produced on record receipts to show compliance of condition No.(e) of order dated 4<sup>th</sup> April 2022.

3. This Court by order dated 24<sup>th</sup> April 2023 directed the petitioner to attend the concerned police station and accordingly the petitioner has attended the concerned police station. The petitioner further undertakes that he will cooperate with the investigation. The offence alleged against the petitioner is under section 420 of the Indian Penal Code, 1860 and under section 13(a) of the MOFA Act and Rule 10 of Real Estate Rules. On overall consideration of the allegations against the petitioner and the nature of breach alleged against the petitioner, the petitioner has made out a case for relief. Hence, following order:

4. The impugned order dated 21<sup>st</sup> January 2023 in Miscellaneous Criminal Application No.92 of 2022 is quashed and set aside.

5. Order dated 4<sup>th</sup> April 2022 passed in Criminal Bail Application No.1010 of 2021 is revived.

6. The applicant shall comply with condition Nos. (a) to (e) along with undertaking that he will cooperate with the investigation.

7. The criminal writ petition stands disposed of in above terms.

**(AMIT BORKAR, J.)**