

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1256 OF 2021

Harish Faizan Khan

.... Applicants

Versus

The State of Maharashtra

.... Respondents

Mr. Husen Shaikh a/w Mr. Ruman Shaikh, Advocate for the Applicant.
Mr. A. A. Palkar, g APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 19th OCTOBER, 2023.

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P.C. :

1. By this Application, Applicant has challenged impugned order passed by the trial Court below exhibit 34 whereby, the trial Court has cancelled the bail of Applicant.

2. It is contention of learned counsel for the Applicant that while granting bail, condition was imposed on the Applicant to attend the Bandra police Station on every 5th day of English Calender month between 5:00 p.m. – 7:00 p.m. till conclusion of the trial but applicant could not fulfill said condition. Hence trial court has cancelled the bail of the Applicant. Learned counsel further submitted that no opportunity was given to the applicant before the

cancellation of bail. Hence, requested to allow the application.

3. Learned APP submitted that the order passed by the trial Court is proper and no interference is required in it.

4. I have heard both learned counsel perused order passed by the trial Court below exhibit 34. It appears from the order that no opportunity was given to the applicant before cancellation of bail.

5. In view of above, I pass following order.

ORDER

i. The order passed below exhibit 34 in Sessions Case No.253 of 2017 is quashed and set aside.

ii. Learned counsel for the applicant submits that applicant is behind bar in other offence, when he will be released on bail, he will attend the police station as directed by the trial court.

iii. After release from jail, Applicant shall attend the police station as directed by bail order in Sessions Case No. 253 of 2017.

6. Application is disposed off.

(SHIVKUMAR DIGE, J.)