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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1247 of 2022

Jitendra Gunvantrai Joshi] .. Applicant
vs.
State of Maharashtra] .. Respondent

Ms.Neha Bhavsar i/b V.K. Dubey Associates for the Applicant.

Mr.S.R. Agarkar, APP for the State.

PI Anand Kamble and PSI Rane, Kandivali Police Station present.

CORAM : BHARATI DANGRE, J

DATE : 6th November, 2023.

P.C.

1] The present Criminal Application is filed seeking quashment of the order passed by the Additional Sessions Judge in Criminal Miscellaneous Application No.103/2022 on 28.04.2022, when the protection from arrested granted in favour of the Applicant was recalled. Similar relief was sought before me when Anticipatory Bail Application No. 1673/2022 was filed and recording that the Court was kind enough to relax the condition of attendance which was imposed upon the Applicant while he was released on bail, it was recorded that the prosecution had moved an application for cancellation of bail by pointing out that despite various messages being delivered for attending the police station, from the Investigating Officer, the Applicant failed to respond and this prompted the Additional Sessions Judge, Borivali Division, to cancel the protection in his favour.

When he moved Anticipatory Bail Application before the Sessions Judge, even that was rejected on 25.05.2022 as being not maintainable.

Then the Applicant approached by filing ABA No.1673/2022, which was declined by me by order dated 01.7.2022, recording that there is no legal impediment in the order passed by the Additional Sessions Judge as despite being directed to be released on bail in the event of arrest subject to compliance, there was no compliance at his end.

2] Once again, another Criminal Application is filed seeking similar relief and it is pertinent to note that despite the rejection of the application on the earlier occasion, neither the Applicant has chosen to surrender before the investigating Agency, nor the Investigating Officer has been able to arrest him.

In any case, the course to be adopted is best left the wisdom of the Investigating Officer, and I say nothing more.

However, since the Criminal Application is in form of review of the earlier order, which cannot be entertained, it is dismissed.

[BHARATI DANGRE, J]