



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPLN) NO. 14 OF 2023

(SMT. ANJU LOVEKESH SONI..VS.. PRADEEP PREMSUKHDAS RATHI & ANR.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.C.Dharmadhikari, Advocate for Applicant.
Shri A.D.Bhate, Advocate for Non-applicant No.1
Shri Ambrish Joshi, A.P.P. for Non-applicant No.2.

CORAM : ANIL S. KILOR, J.
DATED : OCTOBER 17, 2023.

1. Heard.
2. This is an application for cancellation of bail granted to the non-applicant No.1 by this Court vide order dated 20/09/2022 in Criminal Application (BA) No. 364 of 2022 on the ground that the non-applicant No.1 has breached the condition No.(v) which says that the non-applicant No.1 shall not enter the territorial jurisdiction of Khamgaon City, Dist.: Buldhana till culmination of the trial, except for the trial.
3. Shri Dharmadhikari, learned counsel for the applicant has drawn attention to the panchnama drawn on 20/10/2022 in support of his submission that the non-applicant No.1 was found at his own house. He, accordingly submits that as there is misuse of liberty the bail granted to the respondent No.1 may be cancelled.

4. On the other hand, the learned APP Shri Joshi has drawn attention to the reply filed by the State wherein the State has admitted the fact of drawing of panchnama and further fact that the respondent No.1 was found at his home. As such the State is supporting the present application.

5. Shri Bhate, learned counsel for the respondent No.1, however, strongly opposed the application.

6. On perusal of record it is revealed that the condition, which is alleged as breached by the respondent No.1, is specific that the respondent No.1 shall not enter into the territorial jurisdiction of Khamgaon city. It is evident from the panchnama that it was drawn at village Sutala(Kh.), which is not in Khamgaon City.

7. Moreover, in the title clause of the application the only address of the non-applicant No.1 is mentioned as resident of Khamgaon. However, the address on which the notice was served by the police shows that it was served at Anikat Road, Sutala Kuhrd, Tahsil : Khamgaon, District : Buldhana. The service report, tendered in the Court today, is marked as Article "X" for the purpose of identification.

8. Thus, there is nothing to show that the Sutala Khurd is within the city of Khamgaon in which the

respondent No.1 was prohibited to enter into. Thus, in absence of any sufficient evidence to show that the respondent No.1 has breached the condition No.(v), I am not inclined to allow this application.

Accordingly, it is **rejected**.

9. At this stage, the learned counsel for the applicant prays for direction to expedite the trial. The prayer is made for the reason that since long even charge has not been framed.

10. In the circumstances, the trial Court is directed to expedite the trial.

JUDGE

RRaut..