

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APPLN) NO.23 OF 2023

Veena W/o Prashant Kapse and another Vs. State of Maharashtra and another

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

Court's or Judge's orders.

Ms S.V. Taksande, Advocate for applicants.
Shri I.J. Damle, APP for non-applicant no.1/State.

CORAM : ANIL L. PANSARE, J.

DATE : MARCH 31, 2023.

Heard. Applicant no.1 is injured and applicant no.2 is the informant. They are seeking cancellation of bail granted to non-applicant no.2.

2. Learned APP invited my attention to paragraphs 10 and 11, which reads thus:

“10. That the non- applicant no.2 started threatening the witnesses hence the applicant no.1 has filed an application for cancellation of bail before Hon’ble High Court bearing no.32/2018.

11. That an application no.32/2018 for cancellation of bail was listed before Hon’ble High court and Hon’ble High Court was pleased to dispose of the application as withdrawn with liberty to approach the same Court for cancellation of bail by order dated 17/09/2018.”

3. Learned APP has rightly submitted that the application is not maintainable as this Court has disposed of the earlier application with liberty to the applicants to approach the Sessions Court.

4. Learned counsel for the applicants submits that she had approached the Sessions Court but the learned Judge has refused to permit filing of application and directed learned counsel to approach the office of the DGP. However, the pleadings to that effect are absent.

5. It is unacceptable that despite liberty having been granted to the applicants to approach the Sessions Court for cancellation of bail, the Sessions Court would refuse to accept the application for cancellation of bail. That apart, an appropriate remedy for the applicant is to seek relief in terms of the Maharashtra Witness Protection and Security Act, 2017. Learned counsel for the applicants ought to have been given appropriate legal assistance. It appears that for want of such assistance the applicants are required to run from pillar to post.

6. The application is dismissed with above observations.

JUDGE

Wagh