



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

CRIMINAL APPLICATION (APPLN) NO.39 OF 2023

Kashinath S/o Ramdas Nandane .Vs. The State of Mah. through P.S.O., P.S. Tamgaon, Tah.
Sangrampur, Dist. Buldhana and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.P. Bhuihar, Advocate for applicant.

Shri N.R. Patil, A.P.P. for non-applicant No.1/State.

CORAM : ANIL S. KILOR, J.

DATED : 29/08/2023

1. This is an application for cancellation of bail granted to the non-applicant No.2 by this Court vide order dated 10.08.2022 passed in Criminal Application (BA) No.908 of 2022.

2. The offence involved in the present matter is under Sections 302, 323, 504, and 506 read with Section 34 of the Indian Penal Code. This Court while granting bail to the non-applicant No.2 put a certain conditions including the condition that the applicant shall not directly or indirectly make any inducement, threat or promise to any acquainted with the fact of the case and also not tamper with the evidence.

3. In breach of the said condition, it appears from the complaint lodged by the applicant on 15.03.2023 which was registered as N.C.R., that, the non-applicant No.2 has been threatening the applicant and his family, after he was released on bail.

4. Today, when the matter was called out none appeared on behalf of the non-applicant No.2 though the non-applicant No.2 was served through post by private mode of service. Moreover, the intimation was given through concerned Police Station to the non-applicant No.2 on 22.08.2023 and again thereafter, on 25.08.2023. The intimation dated 25.08.2023 bears the signature of the non-applicant No.2. The said intimation letter is taken on record and marked as Article 'X' for identification.

5. In the above referred backdrop, there is no rebuttal or denial to the fact that, the non-applicant No.2 has been threatening to the applicant and his family in breach of condition of grant of bail.

6. Thus, it is further clear that, the non-applicant No.2 has misused the liberty and violated the condition of bail.

7. In the circumstances, I am of the opinion that, the bail granted on 10.08.2022 in Criminal Application (BA) No.908 of 2022, needs to be cancelled for the reason recorded herein above.

JUDGE