



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 133 OF 2024

Amol Milind More

....Applicant

VERSUS

The State Of Maharashtra

.....Respondent

.....
Ms. S.M. Zaware, Advocate for applicant.
Mr. C.V. Bhadane, APP for State.

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 22nd MARCH, 2024

ORDER :

1. By this application filed under section 482 Cr.P.C., applicant challenges the order passed by learned Additional Sessions Judge, Shrirampur, in Criminal M.A. No. 182/2023 filed by prosecution under section 439(2) Cr.P.C., thereby cancelling the regular bail granted to applicant.

2. Applicant is accused in C.R. No. 126/2023, registered with Shrirampur City Police Station, for offences punishable under section 395 of IPC and under section 4 read with 25 of Arms Act. Applicant was granted bail in the said crime by Sessions Court, vide order dated 04.03.2023. While granting bail, applicant was directed to attend Shrirampur City Police

Bhagyawant Punde

Station on each Monday and Friday, from 10.00 am to 1.00 pm, till further order. Since, applicant breached the said condition, Criminal M.A. No. 182/2023 is filed by prosecution for cancellation of bail, which is allowed by the Sessions Court. Though, applicant was served with notice, he failed to appear.

3. Heard learned advocate for applicant and learned APP for respondent. Perused the record.

4. It appears that bail of applicant is cancelled on two grounds, first that applicant has failed to obey the condition of attendance and second that offence at C.R. No. 454/2023 is registered against applicant under section 354, 354(A)(D), 504, 506 of IPC.

5. Learned advocate for applicant submits that since C.R. No. 454/2023 was registered against applicant, he could not attend the police station as per the condition imposed by Sessions Court. She further submits that, applicant is released on regular bail in C.R. No. 454/2023 and applicant is ready to abide by conditions imposed on him.

6. Learned APP submits that applicant has flouted the condition imposed by Sessions Court and therefore he is not

entitled for any relief. On a query by Court, learned APP submits that charge sheet in the present crime is yet to be filed.

7. Offence at C.R. No. 126/2023 is registered on 06.02.2023 and though almost one year is over, charge sheet is not yet filed. Trial is not likely to commence and conclude in near future. Therefore, pre-trial custodial detention of applicant is not necessary in the facts of the present case. However, for flouting the condition imposed by Sessions Court, applicant needs to be penalized. Hence, the following order:

ORDER

- (I) Criminal Application No. 133/2024 is allowed, subject to applicant paying fine of Rs. 10,000/- in the Trial Court.
- (II) Impugned order dated 18.08.2023, passed by learned Additional Sessions Judge, below Exhibit-1 in Criminal M.A. No. 182/2023 is quashed and set aside.
- (III) Applicant shall follow the same conditions imposed on him by Sessions Court vide order dated 04.03.2023.

[NITIN B. SURYAWANSHI, J.]