



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

105 CRIMINAL WRIT PETITION NO. 103 OF 2023

Sanjay Padmakar Darandale

VERSUS

The State of Maharashtra and others

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Advocate for the Petitioner : Mr. K.N. Shermale

APP for Respondent Nos. 1 and 2: Ms. Rashmi P. Gour

Advocate for Respondent No.3 : Mr. Amol S. Gandhi

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CORAM : SHIVKUMAR DIGE, J.

DATED : 22nd JULY, 2024.

PER COURT :-

1. By this writ petition, the petitioner is challenging the order dated 27.12.2022 passed by the learned Additional Sessions Judge, Newasa in Criminal Revision Application No. 15 of 2022 whereby dismissing the said revision application and confirming the order dated 13.09.2022, passed by the learned J.M.F.C. Newasa below application for cancellation of bail in crime No. 150 of 2021, registered with Sonai police station, Tq. Newasa, District Ahmednagar.

2. It is the contention of learned counsel for the petitioner that crime No. 150 of 2021 is registered against the petitioner for the offences punishable under Section 379 r.w. 34 of I.P.C. In the said crime, the petitioner was arrested by the police and thereafter he was

released by the learned J.M.F.C. by imposing some conditions. Respondent No.3 informant had filed an application before the J.M.F.C. for cancellation of bail of the petitioner on the ground that the petitioner has not followed the conditions imposed by the trial court. After hearing both sides, the trial court has cancelled the bail of the petitioner. The said order was challenged by the petitioner by filing criminal revision application before the Sessions Court. The Sessions Court has also confirmed the said order. The said order is under challenge before this Court by way of this writ petition. Learned counsel further submitted that during pendency of this writ petition, charge sheet is filed against the petitioner, hence the order passed by the trial court for cancellation of bail be set aside as the investigation is completed and the petitioner is ready to abide by any conditions if imposed by this Court.

3. The learned counsel for the respondent No.3 vehemently submitted that the petitioner has not followed the conditions imposed by the trial court and on that ground the bail granted to the petitioner is cancelled. The trial court has passed well reasoned order. The said order is confirmed by the revisional court stating that the revision application is not maintainable. The petitioner has no merit in this writ petition. The order passed by the trial court is legal and valid. No interference is required in it and requested to dismiss the writ petition.

4. Learned A.P.P. submitted that appropriate order be passed.

5. I have heard all the learned counsel. Perused the order passed by the learned J.M.F.C. Newasa and the learned Sessions Judge, Newasa. The bail of the petitioner is cancelled as he has not followed the conditions imposed in the bail order. The said order was passed before filing of the charge sheet. It appears from the record that during pendency of this writ petition, the charge sheet has been filed against the petitioner. Considering this fact, it is not necessary to take the petitioner in custody and I pass the following order.

O R D E R

I. Writ petition is allowed.

II. The order dated 27.12.2022 passed by the learned Additional Sessions Judge, Newasa in Criminal Revision Application No. 15 of 2022 and the order dated 13.09.2022 passed by the learned J.M.F.C. Newasa below application for cancellation of bail in crime No. 150 of 2021 are quashed and set aside.

III. The petitioner shall follow the conditions imposed by the trial court while granted him bail.

(SHIVKUMAR DIGE, J.)

rlj/