



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

926 CRIMINAL APPLICATION NO. 2017 OF 2024

**SHIVRAJ @ SHIVAJI JANARDHAN BANGAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Applicant : Mr. Kadam Vishal Sakharam

APP for Respondents/State : Mr. V. M. Jaware

Advocate for R/3 : Mr. Kawade Shrikant G.

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CORAM : Y.G. KHOBRAGADE, J.

DATE : 15.10.2024

PC.:-

1. Heard Mr. Vishal Kadam the learned counsel appearing for the Applicant, Mr. Kawade the learned counsel appearing for the Respondent No.3 and the learned APP for the Respondent-State.
2. It is not in dispute that on 03.01.2024 a FIR No.003/2024 was registered against the Applicant-Accused Shivraj @ Shivaji Janardhan Bangar for the offence punishable under Section 384, 385 and 386 of the I.P.C., on the basis of report lodged by the present Respondent No.3. It is a matter of record that the present Applicant had filed Cri. Bail Appln No.17/2024 before the learned Additional Sessions Judge, Ambajogai, Dist. Beed and prayed for anticipatory bail in said crime. On 26.02.2024, the learned Sessions Judge

enlarged the accused on pre-arrest bail. The operative part of the order reads as under:

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ORDER

1. *Criminal Bail Application No.17/2024 is allowed.*
2. *In the event of arrest, the Applicant Shivraj S/o Jagannath Bangar, R/o Saundana, Taluka and Dist. Beed be released on anticipatory bail on executing P.R and S.B. of Rs.30,000/- (Rupees Thirty thousand only) in connection with 03/2024 registered with City Police Station, Parli Vajjnath, Taluka Parli Vajjnath, Dist. Beed for the offence punishable u/sec. 384. 385 386 of Indian Penal Code*
3. *The Applicant shall submit the proof of his residential address phone number, Aadhar Card and Election Card if any.*
4. *The Applicant is directed to co-operate during course of investigation and to attend the police station once a week i.e. on every Tuesday and Friday between 11.00 a.m. to 5.00 p.m*
5. *The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court.*
6. *The above order be communicated to concern Police Station.”*

3. However, the present Applicant-Accused did not furnish the bail bond as per the terms and conditions of the operative order because the I.O. did not approach the Applicant to apprehend him. Though, the learned counsel appearing for the Applicant canvassed that, on 27.02.2024 i.e. on the next day of passing of order of pre-arrest bail, the Applicant submitted representation with the Superintendent of Police, Beed alleging that Crime No.003/2024 was registered against him out of political rivalry. Since the Applicant-Accused did not furnish the bail bond, therefore, the present Non-

Applicant No.3/Complainant filed an application for for cancellation of anticipatory bail granted on 26.02.2024. Needless to say that, on 25.04.2024, the learned Additional Sessions Judge passed the impugned order and revoked the order of anticipatory bail on the ground that the Applicant-Accused did not cooperate with the Investigating Officer, so also, he has not furnished the bail bond, hence the conditions of bail have been jumped.

4. No doubt, no propriety lies in favour of the Accused who breaches the bail conditions, however, in the case in hand after the order of pre-arrest bail was passed the I.O. did not tried to arrest the Accused. Therefore, there may not be occasion for the Applicant to furnish bail bond or may be due to ill advice the Applicant-Accused could not furnish bail bond in pursuance of order dated 26.02.2024 in Cri. Bail Application No. 17/2024. Therefore, considering the nature of offence, the Applicant-Accused is hereby directed to appear before the Investigating Officer on or before 25.10.2024 and furnish the bail bond as per the order dated 26.02.2024. It is made clear that if the Applicant-Accused fails to furnish the bail bond in that event this order would be recalled automatically without reference to the Court.

5. In view of above discussion, the present application is disposed of.

[Y.G. KHOBRADE, J.]