

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.2039 OF 2021
IN
CRIMINAL BAIL APPLICATION NO.2108 OF 2019**

**Roshan @ Raj Yashwant Shirsekar] Applicant
Vs.
The State of Maharashtra] Respondent**

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Mr. N.N. Gawankar a/w Mr. Manas N. Gawankar, for Applicant.

Ms. Anamika Malhotra, A.P.P, for Respondent – State.

Ms. Maya Patil, A.P.I, Chembur Police Station, Mumbai.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 20th FEBRUARY, 2024.

P.C.

1. Learned Counsel for the applicant seeks discharge as in view of the last order, the applicant was not communicable. Today, an intimation of discharge is placed on record. The same is taken on record. Mr. Gawankar stands discharged.

2. This Court vide an order dated 29th August, 2019 granted bail to the applicant upon certain conditions which are incorporated below;

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs.20,000/- with one or two sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on the first Saturday of every month from 10:00 a.m till 11:00 a.m till the conclusion of the trial;
- (iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The applicant shall inform his latest place of residence and mobile contract number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station.
- (v) The applicant to cooperate with the conduct of the trial and attend all the dates before the trial Court, unless exempted;
- (vi) The applicant shall file an undertaking with regard to clauses (ii) to (v) in the trial Court, within two weeks of his release;

(vii) If there are two consecutive defaults either in attending the Police Station or in appearing before the trial Court, or breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

(viii) The Applicant to deposit Rs.5,00,000/- in this Registry of this Court within one week from today and the balance amount of Rs.5,00,000/- to be deposited within 8 weeks from the date of his release from jail, also in the Registry of this Court.

(ix) If the applicant fails to deposit the amount i.e there is a breach of the undertaking, the prosecution is at liberty to seek cancellation of the applicants bail”

3. Subsequently, on 9th September, 2019; following order was passed by this Court (Coram: Revati Mohite Dere, J.);

“1. The matter is kept for recording compliance of the first deposit of Rs.5,00,000/-. Learned counsel for the applicant has tendered the xerox copy of the acknowledgment of the deposit of Rs.5,00,000/-. The said xerox copy is taken on record.

2. The next deposit of Rs.5,00,000/- is to be made within eight weeks from the date of the applicant's release on bail.

3. Stand over to 3rd December, 2019. To be placed under the caption "for recording compliance".

4. It appears that thereafter the applicant has neither complied with the said conditions nor appeared before this Court. From time to time various orders came to be passed by this Court. On 25th June, 2021, a bailable warrant also came to be issued by this Court returnable on 16th July, 2021. On 23rd July, 2021, a non bailable warrant was issued by this Court. Subsequently, on 17th August, 2021 prosecution has applied for cancellation of bail. The applicant was arrested under warrant and produced before this Court on 17th August, 2021 after execution of the same. It seems that the applicant made false promises to this Court and succeeded in remaining outside despite several directions issued by this Court from time to time.

5. Today, he is produced before this Court after executing Non Bailable Warrant by Ms. Maya Patil, A.P.I. Bail granted to the

accused stands cancelled. His bond is forfeited. Bond of the surety also stands forfeited. Surety is discharged. He be committed to custody.

6. Application stands disposed of.

7. Registry to take necessary steps.

[PRITHVIRAJ K. CHAVAN, J.]