

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

**INTERIM APPLICATION NO.3895 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO.635 OF 2022**

Mangal Himmat ShindeApplicant
Versus
Kailash Kanhiyalal Phulpagare Respondent

**.....
WITH
INTERIM APPLICATION [STAMP] NO.13939 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO.635 OF 2022**

State of MaharashtraApplicant
Versus
Kailash Kanhaiyalal Phulpagare Respondent

Mr. Gautam J. Jain, Advocate for the Applicant in
IA/3895/2023.
Ms. Mahalakshmi Ganapathy, APP for the Applicant-State in
IA/ST/13939/2023.
Mr. Puneet B. Fonia, Advocate i/b. Meghdeep M. Oak for the
Respondent in both IAs.

CORAM : SARANG V. KOTWAL, J.

DATE : 10th APRIL, 2024

P.C. :

1. In both these Interim Applications, a common
order is passed today because the prayers in these

Applications is for cancellation of the anticipatory bail order granted to the original Applicant Kailash Phulpagare, the original accused. The contention was that he had not complied with his own undertaking that he would deposit Rs.4,50,000/- with the J.M.F.C., Thane within the stipulated period.

2. Now, learned counsel appearing for the informant as well as learned APP state that the said accused has deposited that amount. Therefore, learned counsel for the Applicant in I.A. No.3895/2023 does not press this Application.

3. Learned APP submits that the original Applicant Kailash has not cooperated with the investigation. She submitted that however, at this stage, even the Application preferred by the State i.e. I.A.(St.) No.13939/2023 be disposed of with directions to the said accused to cooperate with the investigation. If he does not cooperate with the investigation in future, liberty be granted to the State to file

fresh application for cancellation of anticipatory bail granted to the said accused.

4. Considering these submissions, I.A. No.3895/2023 is disposed of as not pressed. I.A.(St.) No.13939/2023 is also disposed of with liberty to the State of Maharashtra to prefer a fresh application for cancellation of anticipatory bail if the original accused Kailash does not cooperate with the investigation.

5. With these observations, both these Applications are disposed of.

(SARANG V. KOTWAL, J.)

Digitally signed
by
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