

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

**INTERIM APPLICATION NO. 1664 OF 2019
IN
CRIMINAL BAIL APPLICATION NO. 490 OF 2017**

The State of Maharashtra ... Applicant
Versus
Dhanesh @ Chocolate Dilip Shinde ... Respondent

.....
Mr. A. A. Palkar, APP, for the Applicant-State.
None for the Respondent-Accused.
.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 6th MARCH, 2024.

P.C.

None for the respondent-accused.

2 Heard learned APP.

3 This is an application seeking cancellation of bail granted by this Court on 31st October, 2017 in Bail Application No. 490 of 2017 of the offence punishable under Sections 302, 120(B), 143, 147, 148, 149 of the Indian Penal Code and under Section 3 and 25 of Arms Act in connection with Crime No. 200 of 2015 dated 4th August, 2015.

4 Learned APP has invited may attention to condition Nos. (ii) and (v), which read as under;

“(ii) Both applicants shall not enter the jurisdiction of Superintendent of Police, Pune rural till the conclusion of trial.

(v) Any two consecutive defaults in complying with the aforesaid conditions, shall attract the provisions of cancellation of bail and in such case, the prosecuting agency is at liberty to file application for cancellation of bail.”

5 Essentially, condition No.(ii) was that the applicant shall not enter the jurisdiction of Superintendent of Police, Pune rural till the conclusion of trial.

6 Condition No.(v) is that any two consecutive defaults in complying with the conditions would result in cancellation of bail for which liberty has been given to the prosecution.

7 An opportunity was given to the respondent-accused to be heard on the aspect of cancellation of his bail. Advocate Mr. Ayush Pasbola has appeared for the respondent-accused on 1st September,

2023 and sought time to file reply. It appears that none appeared thereafter on 7th October, 2023 and 21st February, 2024 and, therefore, the matter is now fixed for final arguments.

8 Learned APP has invited my attention to a copy of an FIR under Section 154 of the Code of Criminal Procedure registered with Kamshet Takave Police Station, Pune, falling within the jurisdiction of Superintendent of Police, Pune Rural wherein an offence appears to have been registered against the applicant- Dhanesh @ Chocolate Dilip Shinde for the offences punishable under Sections 364-A, 386, 387, 504 506, 34 of the Indian Penal Code and Section 3, 25 of the Arms Act on 10th July, 2019 vide FIR No. 0211 of 2019.

9 The applicant has indeed breached condition No.(ii) of the order of bail.

10 As such, the bail granted by this Court on 31st October, 2017 stands cancelled. The bond is forfeited and surety is discharged.

11 Investigating Agency or the concerned Police Station is at liberty to take necessary steps to arrest and place the applicant in custody.

12 Application is disposed of.

[PRITHVIRAJ K. CHAVAN, J.]