

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION NO.131 OF 2022

(State of Maharashtra thr. its PSO PS Warora, Tq. Warora, Dist. Chandrapur Vs.
Gaurav @ Golu Rajkumar Walke)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. N. S. Autkar, A.P.P. for Applicant/State.
Mr. A. C. Jaltare, Advocate for Non-Applicant.

CORAM: URMILA JOSHI PHALKE, J.

DATE: 8th MARCH, 2024.

By this application, the State is seeking cancellation of bail granted to the present non-applicant in connection with Crime No.393/2021 registered at Police Station Warora, District Chandrapur for offence punishable under sections 302, 506, 201 read with section 34 of the Indian Penal Code and section 3, 4/25 of the Arms Act.

2. As per the contention of the applicant/State that present non-applicant was arraigned as an accused in connection with the above crime on an allegation that one Sub-Inspector Kishor Mittarwar lodged a report alleging that they received some information that certain persons are quarreling at Jaju Chowk, Warora and possessing dangerous weapon. They entered the said information in the station diary and reached at the Jaju Chowk, Warora. They found certain persons were quarreling with each other in the isolated dark spot near the official residence of the

Sub-Divisional Officer, Warora. After seeing the police they started fleeing away from the spot. One person started fleeing away with sword on his moped. Accordingly, police chased him and intercepted him at Nagoba Temple, upon inquiry he disclosed his name as Gaurav Walke i.e. present non-applicant who is resident of Warora. In presence of two *panchas* search of the said accused was conducted and one sword like weapon measuring upto 12 inches in length and 2 inches in breadth has been found in his possession. The said weapon was seized. The vehicle which used by the non-applicant was also seized and accordingly the report was lodged. This Court has considered this application for grant of bail as his involvement in the Crime No.393/2021 registered under section 302, 506, 201 read with section 34 of the Indian Penal Code. It is the contention of the State that while releasing him on bail this Court imposed the condition that he shall not enter the jurisdiction of Police Station Warora, except for attending the Sessions Court for the purpose of trial. But the F.I.R. lodged by the police officer shows that by contravening the said condition he entered into the jurisdiction of Warora and thereby jumped from the conditions of the bail, and therefore, his bail deserves to be cancelled.

3. The said application is strongly opposed by the non-applicant on the ground that he is falsely implicated in the alleged offence on the ground that he has jumped from the bail condition. In fact, he is caught hold from some other place and he has not contravene any conditions imposed by

this Court. It is further submitted that now trial is commenced at the fag end of the conclusion no purpose will be served by keeping the present non-applicant behind bar by cancelling his bail.

4. Heard learned A.P.P. for the applicant/State and the learned counsel for the non-applicant. Perused the record. The only allegation on the basis of which the State has filed this application is that the non-applicant has misused his liberty and contravened the condition imposed by this Court while releasing him on bail. For cancellation of the bail it is well settled that overwhelming and super-whelming circumstance is required. Moreover, the fact is that the trial is at the fag end and therefore, no purpose will be served by keeping the non-applicant behind bar by cancelling his bail. In view of that, the application deserves to be rejected. Accordingly, I proceed to pass following order:

The application is rejected.

JUDGE