



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

CRIMINAL APPLICATION (APPW) NO. 194 OF 2024
IN
CRIMINAL WRIT PETITION NO.964 OF 2024

Mukund Ghanshyamdas Maheshwari

.vs.

The State of Maharashtra, through PSO, PS Sitabuldi, Tah. & Distt. Nagpur

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

Mr S. P. Agrawal, Adv. alongwith Mr V. S. Mishra, Advocate for the petitioner
Mr Piyush Pendke, APP for the respondent/State
Mr R. R. Vyas, Advocate for the intervenor

CORAM : G.A. SANAP J.

DATE : DECEMBER 17, 2024

Heard the learned Advocates for the parties.

2. For the reasons stated in the application, the application made by the informant to intervene in the matter is allowed.

3. The criminal application stands disposed of.

CRIMINAL WRIT PETITION NO.964 OF 2024

4. By consent of learned Advocates for the parties heard finally at the admission stage itself. Perused the record and proceedings. The only question that needs to be addressed is as to whether the order rejecting an application for time to file reply dated 04.11.2024 is sustainable or not.

5. The prosecution has made an application for cancellation of bail granted to the petitioner/accused No.1. The record shows that sufficient time was granted to the petitioner to file the reply, but the reply was not filed. Learned Advocate for the petitioner/accused No.1 submits that the accused is lodged in Central Jail at Wardha in another crime and therefore, the timely instructions could not be received for filing the reply. It is submitted that if the application for cancellation of bail is decided without his reply then it would cause severe prejudice to him. It is submitted that he deserves an opportunity to file the reply.

6. Learned APP and learned Adv. Mr Vyas appearing for the informant opposed the submissions made on behalf of the petitioner.

7. It is to be noted that this petitioner has been lodged at Central Jail, Wardha in another crime. The incharge APP of the case has moved an application for cancellation of a bail. The advocate appearing for the petitioner/accused No.1 took 2-3 dates for filing reply. The reply was not filed and the prayer made for time to file the reply was rejected. In my opinion, in this case subject to certain timeline for filing the reply the permission can be granted to the accused for filing reply.

He has been released on bail. The bail granted to him is sought to be canceled. The cancellation of a bail would have cascading effect as far as liberty of the petitioner/accused No.1 is concerned. In my view, therefore, he deserves an opportunity to contest the said application.

8. In the facts and circumstances, the writ petition is **allowed**.

9. The order dated 04.11.2024 is set aside.

10. The application Exh. 14 is allowed

11. The petitioner/accused No.1 is granted time to file reply on or before 27.12.2024.

12. The writ petition stands disposed of accordingly.

(G. A. SANAP, J)

Namrata