



(1)

42-APPLN-722-2024

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

42 CRIMINAL APPLICATION NO. 722 OF 2024

Mukund Shrirampant Deshpande

VERSUS

The State Of Maharashtra

...

Mr. Vishal Amritlal Bagdiya, Advocate for Applicant.

Smt. M. N. Ghanekar, APP for Respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 29th JULY 2025.

PC :-

1. Heard the parties.
2. This Application arises out of order dated 19th January 2024, passed by the learned Additional Sessions Judge, Parbhani, in Criminal M. A. No.1003 of 2023, by which the learned Sessions Court cancelled the order granting bail on the ground of breach of conditions, as the applicant did not attend the police station.
3. The learned Advocate Mr. Bagadia, appearing for Applicant, vehemently argued that the order is passed in violation of principles of

Ethape

natural justice. The applicant was granted protection of bail in the event of his arrest by order dated 27th September 2022. The State filed application seeking cancellation of bail bearing Criminal Misc. Application No.1003/2023. The learned Sessions Judge, without satisfying about the service of notice, has passed the impugned order and cancelled the bail. He prays for allowing the application.

4. The learned APP vehemently opposed the Application. She submits that though the trial Court while granting protection by its order dated 27th September 2022, directed the applicant to attend the police station twice in a week i.e. on every Monday and Friday in between 10:00 am to 02:00 pm and to co-operate with the investigation. However, he failed to attend the police station and did not provide his residential address, and therefore, police could not take any action. Even in the trial Court, when the notice was issued for cancellation of bail, the applicant could not be served as he was not found at the given address. Therefore, the learned trial Judge has rightly passed the impugned order. She thus prays for rejection of the application.

5. Heard both the sides. From perusal of the impugned order, specifically in paragraph No.5, it is clearly seen that the notice was not served upon the applicant as he was not found on the given address. The Court *prima facie* found that the applicant had committed breach of conditions and bail came to be cancelled. It is clearly seen that the present applicant did not attend the police station and did not comply with the direction issued by the trial Court while granting protection vide order dated 27th September 2022. Even the address was not given properly as appears from the record, and therefore, notice to the applicant could not be served.

6. Be that as it may, the fact remains that the impugned order was passed without hearing the applicant. To give an opportunity to the applicant, this Court deems it appropriate to remand the matter for fresh consideration. While considering the application, it is open for the Court to consider the conduct of the applicant, even before this Court. The order impugned is dated 19th January 2024 and present Criminal

Application is filed on 6th February 2024. Though the notice was issued on 15th April 2024, the matter is still lingering in this Court. Even during the pendency of this application, there is nothing on record to show that the applicant ever tried to attend the police Station. This aspect also needs to be considered.

7. Considering above, only to give an opportunity to the applicant, impugned order dated 19th January 2024 passed by the learned Additional Sessions Judge, Parbhani, is quashed and set aside.

8. The learned Sessions Court shall decide the application afresh. No fresh notice is required. The applicant undertakes to appear before the learned Sessions Judge on 12th August 2025. The Court shall give hearing to the applicant on that date itself and pass an appropriate order.

9. In the meantime, the applicant shall attend the concerned police station i.e. New Mondha Police Station, Parbhani, twice in a week and

shall furnish PR bond in the sum of Rs.25,000/- with one solvent surety/security in the like amount.

10. With this, application stands disposed off.

[KISHORE C. SANT, J.]