

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.4436 OF 2022
IN
CRIMINAL BAIL APPLICATION NO.1901 OF 2017

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State of Maharashtra Applicant

V/s.

Kumar Shankar Karajagi & Anr. Respondents

WITH
INTERIM APPLICATION NO.1462 OF 2024
IN
CRIMINAL BAIL APPLICATION NO.1901 OF 2017

Kumar Shankar Karajagi Applicant

V/s.

State of Maharashtra Respondent

Mr.Avinash A. Naik, APP, for the Applicant-State.

Mr.Uday Warunjikar a/w Mr.Vijay Upadhyay i/b Mr.Omkar
Geedh, for Respondent in IA No.4436 of 2022 and for the
Applicant in IA No.1462 of 2024.

Mr.R.V. Sankpal, for Respondent No.2-Intervenor.

CORAM : SHIVKUMAR DIGE, J.

DATE : 10th JANUARY 2025

P.C:-

. By this Application, the Applicant-State is seeking
cancellation of the bail of Respondent No.1, on the ground that,

the Applicant failed to comply the conditions imposed by this Court (Coram : A.S. Gadkari, J.) by order dated 28th November 2017.

2. The learned counsel further submitted that, while allowing the bail Application of the Applicant the Court has imposed conditions on the Applicant which read thus:-

(i) after his release from jail, the Applicant shall attend concerned Police Station every 1st Monday of the month between 10.00 a.m. to 1.00 p.m. till conclusion of the trial.

(ii) Applicant shall also attend all the concerned dates before the trial Court;

The Respondent-Accused has in fact breached the conditions in view of Clause (v) of the bail order which read as :

(iii) any two consecutive defaults in complying with aforesaid conditions will attract the provisions of cancellation of bail.”

3. The learned APP further submitted that, the Applicant has not complied the two mandatory conditions,

hence, requested to cancel the bail.

4. The learned counsel for Respondent No.2 submitted that, the Applicant has threatened some of the witnesses, accordingly FIR is lodged against the Applicant, hence, bail granted to the Applicant be cancelled.

5. It is contention of the learned counsel for Respondent No.1 i.e. accused that, the Applicant had attended the Police Station and Court dates regularly as per order of this Court barring some dates. The FIR lodged against the Applicant is of different issue as in the said FIR. It is not mentioned that, the Applicant threatened not to depose against him in respect of the present matter. The learned counsel further submitted that, the Applicant undertakes to abide by the conditions imposed by this Court.

6. I have heard all learned counsel.

7. Considering the submission of all learned counsel, as Applicant undertakes to comply the conditions imposed by this Court, I pass following order.

ORDER

(i) The Application is rejected.

(ii) The Applicant shall abide the conditions imposed by this Court and attend the Police Station and Court dates regularly.

8. It is contention of the learned counsel for Respondent No.2 that, though Crime is registered in the year 2017 yet charge has not been framed. Hence, direction be given to Trial Court to frame the charge and expedite the trial

9. The Respondent No.2 can file Application before the Trial Court about his submission, the Trial Court shall decide his Application on its own merit, if Application is filed.

INTERIM APPLICATION NO.1462 OF 2024

10. Stand over to 11th February 2025.

(SHIVKUMAR DIGE, J.)