



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

Criminal Application [APPLN] No.36 of 2024

State of Maharashtra, through PSO,, P.S. Sawangi Meghe, District Wardha
vs.

Mangesh s/o Vitthalrao Chore

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

Mr. G.S. Umale, A.P.P. for the Applicant/State.
Mr. S.S. Das, Advocate for the Non-Applicant.

CORAM : Y.G. KHOBRAGADE, J.
DATE : 5th MAY, 2026.

Heard Mr. Umale, learned A.P.P. for the applicant/State and
Mr. Das, learned Counsel for the non-applicant.

02. I have gone through the present application as well as the affidavit-in-reply filed on behalf of the non-applicant/accused. By the present application, the prosecution seeks cancellation of bail granted by this Court on 21/02/2024 in Criminal Application (A.B.A.) No. 74 of 2024 on the ground of breach of Condition Nos. (iii) and (v). As per the said conditions, the non-applicant/accused was directed to attend the concerned police station once a week, i.e., on every Sunday between 10:00 a.m. and 01:00 p.m., till filing of the charge-sheet, and to furnish his mobile number and address, along with proof thereof, before the Investigating Officer. However, according to the prosecution, the non-applicant neither attended the concerned police station nor cooperated with the Investigating Officer, and has also failed to provide his mobile number and address proof.

03. The non-applicant has filed an affidavit-in-reply and contended that he has been enlarged on bail by this Court on certain terms and conditions including marking his presence before the

concerned police station as and when required. It is further contended that the applicant-prosecution has made false statements, as the non-applicant had attended the concerned police station, but his presence was not recorded. The non-applicant has also stated that he was suffering from a severe medical condition and was physically unable to attend the police station. In support of his contention, he has produced an application dated 25/02/2024 allegedly informing the Officer-in-Charge of Sawangi Police Station about his ill health along with sonography reports and medical papers issued by the General Hospital, Wardha. Therefore, it is submitted that due to medical emergency, the non-applicant could not attend the police station.

04. Needless to say that on 21/02/2024, this Court in Criminal Application (ABA) No. 74 of 2024 granted anticipatory bail to the non-applicant in connection with Crime No. 4/2024 registered with Police Station Sawangi Meghe, District Wardha, for the offence punishable under Section 420 of the Indian Penal Code. As per the contents of the F.I.R., it appears that the non-applicant allegedly cheated the informant by entering into an agreement for purchase of a plot, however, the transaction did not materialize and the amount paid was not refunded. While granting anticipatory bail, this Court imposed certain conditions, including Condition Nos. (iii) and (v), which read as under:

“(iii) The applicant shall attend the concerned Police Station once in a week i.e. on every Sunday between 10:00 am and 01:00 pm till filing of the charge-sheet.

(v) The applicant shall furnish his cell phone number and address with address proof, before the Investigating Officer.”

05. However, the present non-applicant has not attended the concerned police station after being enlarged on anticipatory bail. Though the non-applicant has filed a reply, no material or documents have been

placed on record to demonstrate that he attended the concerned police station or complied with Condition No.(v) by furnishing his mobile number and detailed address as directed under the order dated 21/02/2024. Therefore, there is a clear breach of the conditions imposed by this Court. In view thereof, this Court is of the opinion that the present non-applicant has misused the liberty granted under the order dated 21/02/2024. Accordingly, the present application deserves to be allowed.

06. The anticipatory bail granted to the present non-applicant is hereby cancelled. Consequently, the order dated 21/02/2024 passed by this Court in Criminal Application (ABA) No.74/2024 stands revoked.

07. The application is allowed and disposed of.

JUDGE

**sandesh*