

# Yashwant Khushalchand Bagrecha vs The State Of Maharashtra on 21 August, 2023

**Author: Bharati Dangre**

**Bench: Bharati Dangre**

2023:BHC-AS:23853

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPLICATION NO. 406 of 2021

Yashwant Khushalchand Bagrecha	.. Applicant
Versus	
The State of Maharashtra	.. Respondent
	...

Mr. Pratik Tare with Sakshi S. Kadam i/b Kedar J. Patil for the applicant.  
Mr. S.R. Agarkar, APP for the State.

CORAM: BHARATI DANGRE, J.

DATED : 21st AUGUST, 2023 P.C:-

1 The present application is filed, calling in question two orders; the first order passed by the JMFC, Court No.2, Ichalkaranji on 4/11/2020 when the bail granted in favour of the applicant in C.R.No.15/2020 stood cancelled and he was directed to be re-arrested forthwith. The second order is the order passed by the Addl. Sessions Judge, Ichalkaranji on 16/1/2021 who upheld the first order and dismissed the Revision Application.

2 Heard learned counsel for the applicant and the learned APP for the State.

Tilak 2/3 14 AL 406-21.doc 3 When I perused the impugned order, which has justified the cancellation of the bail, as the applicant on being released on bail, threatened the informant and the JMFC further recorded that he also attempted to create IDs as he was accosted in a Cyber Cafe upon the information supplied by the owner and was found in possession of one chit disclosing 23 mail IDs and username and this included the name of the informant.

In inspection, it was further found that one fake ID in the name of the informant was active on the

P.C. 4 The applicant who faced accusation u/s.354D, 504 and 506 of IPC was found to have been misusing his liberty, and was in an attempt to threaten and pressurize the informant, and since it was found that he continued with his activity of bullying her on internet, the bail granted in his favour was cancelled.

On the Revision Application being dismissed, he approached this Court and on 16/11/2021, and it was recorded that the State has not taken steps to arrest the applicant and it reflected that it is not interested in having his custody. Hence, a direction was issued not to arrest the applicant.

5 It is informed that at present, the subject trial is ongoing and the informant has stepped into the witness box.

The learned APP do not have instructions to state that, the applicant from the date of the protection granted by this Tilak 3/3 14 AL 406-21.doc Court on 16/11/2021, till date, has in any manner misused his liberty.

Since the applicant who continue to avail his liberty on being released on bail, by the order dated 14/8/2020, and since it is not reported that he misused the liberty, after the order was passed on 16/11/2021 and since now the trial is in progress, reserving the liberty in the informant as well as the prosecution, to seek cancellation of bail, if there is misuse of his liberty, the present Application is disposed off, by making the interim order passed by this Court, absolute.

( SMT. BHARATI DANGRE, J.) Tilak