

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO. 118 OF 2015

SUNITA W/O SUBHASH PACHARNE.
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER.

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Appearance =>

Mr. Narayan B. Narwade, Advocate for the Applicant.

Mrs. Suryawanshi, Additional Public Prosecutor for the State of Maharashtra.

Mr. N.B. Suryawanshi, Advocate for Respondent No.2.

CORAM : V.M. Deshpande, J.

DATE : 10th April, 2015.

Per Court :-

Present Criminal Application is filed by the applicant under Section 439(2) of the Code of Criminal Procedure for cancellation of anticipatory bail in favour of Non-Applicant No.2, granted by the learned Additional Sessions Judge, Ahmednagar on 9th December, 2014 in Criminal M.A.No.1372/2014 in connection with CR No. 160/2014 registered with Nagar Taluka Police Station, Ahmednagar, for the offence punishable under Section/s 323, 324, 326, 504, 506 of the Indian Penal Code and under Section 37(1)(3) of the Bombay Police Act.

[2] Heard Mr. Narayan B. Narwade, learned counsel for the Applicant and Mr. Suryawanshi, Additional Public Prosecutor for the State of Maharashtra.

[3] According to the learned counsel for the applicant, the learned trial court has committed serious mistake in law in granting the anticipatory bail.

[4] Incident dated 12/09/2014 at 10.00 O'clock in agricultural field resulted into filing of two cross complaints. One by present applicant bearing CR No.160/2014 (Nagar Taluka Police Station, Ahmednagar) for the offences punishable under Section/s 323, 324, 326, 504, 506 of the Indian Penal Code and under Section 37(1)(3) read with 135 of the Bombay Police Act against present Non-Applicant No.2 and his wife Shobha and one Vimal Pandurang Ghumare.

Another CR No.161/2014 (Nagar Taluka Police Station, Ahmednagar) is filed by Balasaheb Jagannath Pacharane (Present Non-Applicant No.2) against Sunita Subhash Pacharne (present Applicant), Vikash Subhash Pacharane and Kiran Aabasaheb Kanade, for the offences punishable under Section/s 323, 324, 504, 506, 427 of the Indian Penal Code and under Section 37(1)(3) read with 135 of the Bombay Police Act. Subsequently, Section 326 of the Indian Penal Code is also added.

[5] From the First Information Report, it is clear that present applicant and Non-Applicant are close relatives and dispute about agricultural land is going on in between them; which resulted into incident dated 12th September, 2014.

[6] It appears, for the reasons best known to the present applicant, her son was taken to private hospital, for medical treatment. It is not in dispute that, injured in CR No.161/2014 were taken to the Government Hospital.

[7] According to the Injury Certificate of Vikas - dated 18/09/2014, he has suffered depressed fracture temporo parietal region.

[8] Both the learned counsel are in agreement that in both the cases, now charge-sheet is filed and cases are pending before the competent criminal court. Further it is not in dispute that the conditions which were imposed upon Non-Applicant No.2, by the court, at the time of granting anticipatory bail, were flouted at any point of time.

[9] By now, law in respect of cancellation of bail is crystallized by the various authoritative pronouncement. The learned counsel has pointed out to this court the authoritative pronouncement of the Hon'ble Apex Court in a case of **Siddharam Satlingappa Mhetre Vs. State of Maharashtra, JT 2010 (13) SC 247.** The learned counsel has pointed out to this court the authoritative pronouncement as to what should be kept in the mind by the court while granting anticipatory bail.

[10] In the present case, it is clear that Non-Applicant No.2 is not having criminal antecedent at his discredit. There is no possibility of his absconding from the course of justice. In view of the fact that charge-sheets are already filed in both the cases, no purpose will be served by cancelling the anticipatory bail granted in favour of Non-Applicant No.2. Hence, Criminal Application is rejected.

(V.M. DESHPANDE, J.)