

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 764 OF 2015

Sandip s/o Suresh Yeolekar

.... APPLICANT

V E R S U S

Mukesh Madhukar Yeolekar & Anr.

.... RESPONDENTS

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Mr. N.N.Desale, Advocate for Applicant.

Mr. Shrikant S.Patil, Advocate for R – 1.

Mrs. S.G.Chincholkar, A.P.P. for R – 2 State.

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CORAM : V.M.DESHPANDE, J.

DATE : 28th APRIL, 2015

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PER COURT :

1. This is an application u/s 439 (2) of Code of Criminal Procedure for cancellation of regular bail, which was granted in favour of non applicant No. 1 by learned Chief Judicial Magistrate, Dhule on 01/12/2014. Non applicant No. 1 was released on bail in connection with crime No. 175/2014 registered with police station Dhule [City], Dist. Dhule for the offences punishable u/s 379,420 of the Indian Penal Code.

2. Present applicant being dis-satisfied with the grant of bail, approached before learned Sessions Judge, Dhule for cancellation of bail by filing Criminal Misc. Application No. 72/2015. Said application is also rejected by learned Sessions Judge on 14/01/2015. Thereafter, present application is filed.

3. Heard Mr. N.N.Desale, learned counsel for Applicant, Mrs. S.G.Chincholkar, learned A.P.P. for Respondent No. 2 – State and Mr. Shrikant S.Patil, learned counsel for Respondent No.1, whose bail application is sought to be cancelled by the applicant.

4. Learned counsel for Applicant sought cancellation of bail on the ground that after arrest of non applicant No. 1, police did not demand his police custody remand and directly present non applicant No. 1 was sent in magisterial custody remand and further at the time when bail was granted, that time charge sheet was not filed.

5. Claiming police custody remand is the prerogative of police machinery. Investigating Officer is the master of investigation. His decision can not be influenced by any one. First informant claimed that police did not demand police custody remand of non applicant No. 1 and that will be the ground for cancellation of bail, is highly mis-placed. Further, it is brought to the notice of the Court that subsequently charge sheet is filed. In that view of the matter, present application needs no consideration.

6. Hence, present Criminal Application is rejected.

[V.M.DESHPANDE, J.]

KNP/Cr.Apln. 764.2015