

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

CRIMINAL APPLICATION NO. 981 OF 2015.

Radhakrishna Guruling Vaidya.

VERSUS

The State of Maharashtra & Ors.

...

Appearance =>

Mr. Y.R. Shinde, Advocate h/for Mr. Rahul Karpe, Advocate for the Applicant.

Mr. A.S. Shinde, Additional Public Prosecutor for the State of Maharashtra.

Mr. N.B. Narwade, Advocate for Non-Applicant No.2.

CORAM : V.M. Deshpande, J.

DATE : 12th June, 2015.

Per Court :-

This is an application for cancellation of anticipatory bail granted in favour of Non-Applicant No.2 by the learned Additional Sessions Judge, Ahmednagar dated 6th February, 2015 in Criminal M.A.No. 22/2015.

[2] I have heard Mr. Rahul Karpe, learned counsel for the applicant, Mr. Shinde, learned Additional Public Prosecutor for the State and Mr. N.B. Narwade, learned counsel for Non-Applicant No.2.

[3] First Information Report is lodged by one Radhakrushna Vaidya against Non-Applicant No.2. According to the F.I.R. dated 29/12/14 when First Informant and his family members after taking dinner were sleeping, that time, at about 2 O'clock in night, he heard noise of breaking of glass of his window. Due to that, he and his wife wake up. They came in the gallery that time, they noticed present Non-Applicant No.2, who was standing near the house and he was having stone at his hand. When he was enquired by the first informant as to why he caused the damage to the glass, he started using offensive words and also pelted a stone and also gave threat.

[4] The learned trial court after considering the prosecution case has exercised the discretion in favour of Non-Applicant No.2. Grant of bail is discretion of the court. Discretion has to be exercised judicially. After examining the First Information Report, I see no reason to reach to the other conclusion that discretion was not exercised by the court below, judicially. Hence, Criminal Application is rejected.

(V.M. DESHPANDE, J.)