

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2205 OF 2012
WITH
CRIMINAL APPLICATION NO. 2204 OF 2012

Vinayak Deorao @ Deva Shende **....Applicant.**

Versus

The State of Maharashtra & Ors. **....Respondents.**

Mr. K.B. Autade h/f. Mr. H.U. Dhage, Advocate for applicants.

Mr. M.M. Nerlikar, APP for State.

Mr. S.S. Jadhavar, Advocate for other respondents.

CORAM : T.V. NALAWADE, J.
DATED : 18th February, 2015.

ORDER :

1. Both the applications are filed under section 439 (2) of Cr.P.C. for cancellation of relief of anticipatory bail granted by the Sessions Court to the respondents. It can be said that relief of anticipatory bail was granted to accused Baburao Shende, Babasaheb Shende and Laxman Shende by this Court in Criminal Application No. 5219/2011 and so, it can be said that indirectly the prayer is made for cancellation of relief granted by this Court (other Hon'ble Judge of this Court).

2. The learned counsel for the applicant submitted that

the relief was granted when the crime was registered for offence under section 326 of I.P.C. and subsequently, section 307 of I.P.C. came to be added in the crime. That will be different circumstance and for that, he could have filed application for cancellation of the bail or he could approach the concerned Court and could have submitted that new offence is added and accused needs to be arrested for the offence punishable under section 307 of I.P.C. That was not done and applications are filed by submitting that the learned Sessions Judge has committed error in granting the relief of anticipatory bail to the respondents. The orders made by the learned Addition Sessions Judge show that the submissions were made that the crime was registered for the offence punishable under section 307 of I.P.C. and after considering that submission, relief is granted by the Sessions Court.

3. The submissions made show that main allegations are against Laxman Shinde to the effect that he gave blow of axe from blunt side to the head of Janardan and due to that Janardan sustained grievous injury. The injury is described as diffused cerebral oedema. No other record was shown by the learned counsel for the applicant. Cancellation of relief is a serious matter. In view of the aforesaid circumstances, this Court

holds that there is no need to interfere in the orders made by the learned Additional Sessions Judge.

4. In the result, both the applications stand rejected.

[T.V. NALAWADE, J.]

SSC/