

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4415 OF 2014**[Deepali w/o Shivaji Gadekar Vs Mahadu Janaku Gadekar and ors.]**

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or
directions and
Registrar's orders

Court's or Judge's orders

Shri N.B.Suryawanshi, advocate for applicant
Shri V.Y.Bhide, advocate for respondent nos. 1 to 10
Smt. P.J.Bharad, A.P.P. for respondent no.11

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CORAM : V.M.DESHPANDE, J.
DATED : 25th March, 2015

PER COURT :-

1] By this application, the applicant is seeking cancellation of bail granted in favour of respondent nos. 1 to 10 by the learned Additional Sessions Judge, Sangamner, dated 15.7.2014 in Miscellaneous Criminal Application No. 92 of 2014, by which the learned Judge of the court below granted anticipatory bail in favour of present respondents in connection with Crime No. 92 of 2014, registered with Sangamner police station, District Ahmednagar, for the offences punishable under Sections 143, 147, 323, 324, 379, 477, 149, 504, 506 of the Indian Penal Code.

2] Heard Shri N.B.Suryawanshi, learned counsel for the applicant and Shri V.Y.Bhide, learned counsel for respondent nos. 1 to 10 and Smt.P.J.Bharad, learned Additional Public Prosecutor for respondent no.11.

3] At the out set, learned counsel for the applicant has submitted that in so far as respondent nos. 8 to 10 are concerned, the first information report against them is already quashed by the Division Bench of this court, and therefore,

they are not the accused.

4] Further, after hearing, it is clear that the learned trial court while releasing the respondents on anticipatory bail found that a long standing civil dispute was going on in between the first informant/present applicant and the respondents. The civil dispute is contested before the Civil Court. Thus, according to me, the learned trial court has rightly reached to the conclusion that the first informant wish to give colour of criminal proceedings by alleging a particular incident to the civil dispute.

5] Learned trial court has rightly exercised discretion in favour of the respondents. By now, the parameters for cancellation of bail are well settled in one of the recent decision of the Hon'ble Apex Court reported in **2014 10 SCC 754** in the case of **Abdul Basit vs Abdul Kadir Choudhary**.

6] Learned counsel for the applicant was unable to point out any circumstance for interference at the hands of this court, especially when he was unable to point out any perversity in the order passed by the court below.

7] Hence, the application is rejected.

(V.M.DESHPANDE, J.)

dbm/crap4415.14