

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

CRIMINAL APPLICATION NO. 4597 OF 2014

Nitin Hansraj Patil

....Applicant.

Versus

Krishna Dadaji Patil and Ors. **....Respondents.**

Mr. A.S. Sawant, Advocate for applicant.

Mr. V.B. Patil, Advocate for respondent Nos. 1 to 6.

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

CORAM : T.V. NALAWADE, J.

DATED : 4th March, 2015.

ORDER :

1. The application is filed under section 439 (2) of Cr.P.C. for cancellation of bail granted by the learned Additional Sessions Judge, Dhule to respondents in Criminal Bail Application No. 615/2014. Bail is granted in a crime which was registered for the offences punishable under sections 326, 452, 149 etc. of I.P.C. Both the sides are heard. The learned APP supported the application.

2. The crime was registered on the basis of report given by present applicant viz. Nitin Hansraj Patil. His grand-father

runs fair price shop and he helps his grand-father in the said business. The ration cards of respondents Krushna, Nandlal and Dadaji were cancelled as necessary forms were not filled by them. But, they were thinking that the complainant was behind this cancellation and so, they were angry with him. Allegations are made that on 20.6.2014 after 8.00 p.m. behind his back, they opened the shutter of his shop and when he went there, they assaulted him by using stick and by fist blows and kicks. The report was given on 21.6.2014 and the crime came to be registered for aforesaid offences. The injury certificate shows that there were fracture of nasal bone and bleeding through right ear. The injuries are described as grievous injury.

3. It appears that the respondents were arrested on 8.7.2014 and Sessions Court granted bail on 17.7.2014. The leaned counsel for the applicant submitted that on 6.7.2014 some witnesses had given application to police station that the accused were giving threats to them. He has produced a copy of complaint given by more witnesses on 28.1.2014 and after getting released on bail also, threats were given. He submitted that on 20.8.2014 also the complainant had given application to police that threats were given to them. He submitted that one more case was filed against Krushna in the year 2014 for the

offences punishable under sections 354 etc. of I.P.C. and this accused is the habitual offender. He submitted that to protect the witnesses from tampering from threats, it is necessary to cancel the bail.

4. In the F.I.R., the nature of dispute is mentioned. Weapon like stick was allegedly used by many persons and 2-3 injuries were sustained by the complainant. The accused were kept behind bars for about 10 days. In view of these circumstances, this Court holds that the learned Additional Sessions Judge did not commit any error in granting relief of bail to the accused. Cancellation of bail is a serious matter. In the present case, no exceptional case is made out for cancellation of the said relief. The application is rejected.

[T.V. NALAWADE, J.]

SSC/