

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

CRIMINAL APPLICATION NO. 5257 OF 2014.

RUKHMINIBAI W/O BABU CHAVAN.

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS.

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Appearance =>

Mr. Vijay B. Jogdand, Advocate a/with Mr. Satish A Gaikwad,
Advocate Advocate for the Applicant.

Mr. A.S. Shinde, Additional Public Prosecutor for the State of
Maharashtra – Respondent No.1.

Mr. Sachin Deshmukh, Advocate for Resp. Nos. 2 to 7 and 9.

CORAM : **VM. Deshpande, J.**

DATE : **17th June, 2015.**

Per Court :-

By the present Application, the Applicant who is First Informant is seeking cancellation of order dated 11th July, 2014 granting anticipatory bail, in favour of Non-Applicant Nos. 6 to 9 passed by the learned Additional Sessions Judge, Gangakhed, District – Parbhani in Cri.M.A.No.153 Of 2014; and also seeking cancellation of regular bail granted in favour of Non-Applicant Nos. 2 to 5 by the Additional Sessions Judge, Gangakhed, District – Parbhani passed below Exhibit -37 filed in S.T.C. No.19/2014.

[2] The main thrust of the submission of the learned counsel for the Applicant is that, after grant of anticipatory bail in favour of

Non-Applicant Nos.6 to 9 and after filing of the charge-sheet they did not appear before the trial court and no surety bond/s were executed by them.

[3] This statement is controverted by Mr. Sachin Deshmukh, learned counsel for Resp. Nos. 2 to 7 and 9. He made a statement at bar before this Court that Non-Applicant Nos. 6 to 9 appeared before the learned Sessions Judge and they have already executed their surety bond/s. Statement is accepted.

[4] In that view of the matter the prayer made by the Applicant for cancellation of anticipatory bail for Non-Applicant Nos. 6 to 9 loses its substance hence, said prayer is rejected.

[5] In so far as cancellation of bail of Non-Applicant Nos. 2 to 5 is concerned, according to the learned counsel, the learned court below has not considered the case of the prosecution in its true perspective. Further it is his statement that present Non-Applicant Nos. 2 to 6 thereafter, committed breach of the condition imposed upon them.

[6] The grant or refusal of bail is discretion of the Court. However, the court has to exercise discretion judicially. I have gone through the impugned order granting regular bail in favour of the respective Non-Applicants. In my view the court below has considered the prosecution case and thereafter, the learned Sessions Judge has exercised the discretion in favour of the respective Non Applicants.

[7] By now, law of cancellation of bail is well settled. The learned counsel was unable to point out any hard pressing reasons for cancellation of bail, granted in favour of respective Non-Applicants from 11th July, 2014 and 27th August, 2014. In that view of the matter, Criminal Application is dismissed.

(V.M. DESHPANDE, J.)