

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 5832 OF 2014

Shankar s/o Babanna Peddapure

.... **APPLICANT**

V E R S U S

The State of Maharashtra & Ors.

.... **RESPONDENTS**

.....

Mr. S.S.Bhise h/f Mr. S.B.Bhapkar,
Advocate for Applicant.

Mr. M.M.Nerlikar, A.P.P. for R – 1 State.

Mr. U.B.Bilolikar, Advocate for R – 2 to 6.

.....

CORAM : V.M.DESHPANDE, J.

DATE : 31st MARCH, 2015

.....

PER COURT :

1. By the present Criminal Application, the applicant who is first informant, is seeking cancellation of bail granted by the learned Additional Sessions Judge, Biloli on 09/09/2014 in Misc. Application No. 178 of 2014, by which the learned Additional Sessions Judge granted bail in favour of respondent Nos. 2 to 6 in connection with Crime No. 111/2014 for the offences punishable u/s 302, 307, 143, 147, 148, 149, 324, 325 of the Indian Penal Code and u/s 135 of the Bombay Police Act.

2. Heard Mr. S.S.Bhise holding for Mr. S.B.Bhapkar, learned counsel for the applicant, Mr. M.M.Nerlikar, learned A.P.P. for Respondent No. 1 – State and Mr. U.B.Bilolikar, learned counsel for respondent Nos. 2 to 6.

3. Learned counsel for the applicant submitted that the trial Court has committed serious error in granting bail in favour of respondent nos. 2 to 6 and he prays that the bail granted be cancelled. He also invited my attention to the First Information Report also.

4. Regular bail was granted by the learned Additional Sessions Judge, Biloli on 09/09/2014. Learned A.P.P. submitted that thereafter the Investigating Officer has already filed charge sheet before the Court below after the completion of the entire investigation.

5. No doubt, the son of the first informant has lost his life. However, the Court can not keep blind eye towards the fact that the dispute arose in respect of the ownership of the immovable property in between the complainant and the accused. The occurrence of the said incident has resulted in filing of two First Information Reports by the present applicant against respondent Nos. 2 to 6 and also the F.I.R. against the applicant by the accused persons.

6. The learned Additional Sessions Judge while granting regular bail has considered this aspect and also at that time found that the weapons were also recovered under

the memorandum and they were seized.

7. In the light of the statement made by the learned A.P.P. that now the charge sheet is already filed and in view of the fact that the learned Judge of the Court below has exercised the discretion based on the available material before him, I see no reason to interfere in the said discretion.

8. Hence, the present Criminal Application is rejected.

[V.M.DESHPANDE, J.]