

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

CRIMINAL APPLICATION NO. 6990 OF 2014

Sahadev s/o. Prabhu Harale **Applicant.**

Versus

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

Mr. S.P. Harale, party in person, present.

Mr. R.P. Phatke, APP for State.

Mr. S.J. Salunke, Advocate for respondent Nos. 4 to 7.

CORAM : T.V. NALAWADE, J.

DATED : 9th March, 2015.

ORDER :

1. The application is filed under section 439 (2) of Cr.P.C. for cancellation of relief of anticipatory bail granted by this Court in Criminal Application No. 2665/2014. This Court has granted relief in a crime registered for the offence punishable under sections 307 r/w. 34 etc. of I.P.C. at C.R. No. 105/2014 registered in Osmanabad City Police Station. Heard the applicant himself in person and he is an advocate. Heard the learned APP and seen the relevant record.

2. This Court has granted relief of anticipatory bail to the respondents after considering the circumstances like crime

at C.R. No. 102/2014 was already registered against the present applicant for offence punishable under section 307 r/w. 34 etc. of I.P.C. This Court considered the nature of dispute between the two sides. This Court has considered the fact that present applicant was granted relief of anticipatory bail in the crime registered against him for the offence punishable under section 307 of I.P.C. in Criminal Application No. 2281/2014. The applicant showed to this Court some medical record showing that there was some cyst on bone at heap portion. There is no medical record to show that this cyst formation or spondylitis was due to assaulted made by respondents.

3. The applicant submitted that after getting relief from this Court, one more crime was registered against the respondents and he was severely beaten on second occasion. It appears that in the first crime many inconsistent statements were made by the applicant. This Court is avoiding to discuss the contents mentioned in the report submitted in respect of second offence, they are against the applicant.

4. The applicant has placed reliance on the some observations made by the Madras High Court in a case reported as **1995 CRI.L.J. 184 [State and Ors. Vs. E. Veeramani]**. He

submitted that the respondents have misused the liberty and they have committed second offence. This Court has seen the record of second offence also. Even if that ground is considered in the present proceeding, that ground is also not made out. Cancellation of relief of anticipatory bail is a serious thing and it can be done in only exceptional circumstances. Both sides got relief from this Court and it was not proper on the part of the applicant to come to this Court again and make allegation even against the investigating agency. The application is rejected.

[T.V. NALAWADE, J.]

ssc/