

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.81 of 2015

IN

CRIMINAL BAIL APPLICATION NO.1415 OF 2014

Sanket Arun Patil

.. Applicant

Versus

The State of Maharashtra & Anr

.. Respondents

Mr.Gaurav Parkar, Advocate for the applicant.

Mrs.S.V.Gajare, APP for the Respondent State.

CORAM : ABHAY M. THIPSAY, J.**DATED : 6th JULY, 2015**

P.C. :

1 The applicant is the injured and a witness in C.R.No.58 of 2014 registered at Alibag Police Station. The First Informant in that case is one Pranay Kavale. On the basis of the report lodged by him, investigation commenced and 9(nine) accused, including the respondent no.2 herein, came to be arrested on the allegation of having committed the offences punishable under section 323 IPC, 325 IPC, 143 IPC, 146 IPC, 147 of the IPC and section 326 of the IPC read with section 149 of the IPC.

2 7(Seven) accused were released on bail by the Court of Sessions itself. One was granted anticipatory bail by this Court. The respondent no.2 Mayur Kavale was released on bail by this Court by an order dated 23/7/2014. Now, the present application

has been made for cancellation of the bail granted to the respondent no.2 on the ground that after his release on bail, he has threatened the present applicant. Emphasis is placed on the fact that three reports in respect of the non-cognizable offences have been registered by the applicant against the respondent no.2. However, two of them are, after the applicant was released on bail.

3 The Investigating Officer was directed to remain present. The report submitted by him through the learned APP, is taken on record.

4 It is admitted before me that no investigation into the N.C. Cases lodged by the applicant, was undertaken. It is also admitted before me that the respondent no.2 had been attending the police station as per the condition imposed upon him by the order releasing him on bail. It is also stated that a charge-sheet has now been filed in the matter.

5 As aforesaid, all the other accused in this case are also on bail.

6 Merely because the applicant claims that he was threatened by respondent no.2, which aspect has not been got investigated into, it is not desirable to cancel the bail granted* to the respondent no.2.

7 Application is rejected.

8 However, the respondent no.2 shall report to the trial court on every Monday till the disposal of the case against him. If any further complaint of the applicant about the respondent having threatened the applicant is received by the police, and if it would only be a non-cognizable case,

the police shall seek appropriate orders from the Magistrate concerned under section 155(2) of the Code of Criminal Procedure and investigate into the matter.

7 Application is disposed of accordingly.

(ABHAY M.THIPSAY, J)