

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.58 OF 2014

The State of Maharashtra ...Applicant
vs.
Dinesh Subhash Bhure & Ors. ...Respondents

Mrs. G.P. Mulekar, learned APP for the
Applicant-State.
None for the Respondent.

CORAM : P.D. KODE, J.

DATE : JANUARY 28, 2015

P.C.

. By this application, the State seeks to
cancel the pre arrest bail granted to the
applicants by the learned Additional Session Judge,
Vasai vide order dated 19-09-2013 in connection
with C.R. No. I-333 of 2013 registered with Waliv
police station.

2. The learned APP submitted that this Court
has rejected anticipatory bail application of the
main accused Vicky Mhatre. It is submitted that the

police also applied offence under Section 307 of Indian Penal Code against the applicants and they were having antecedents and as such the Court of Session ought not have granted pre arrest bail to them.

3. The perusal of the order passed by the Court of Session reveals that after considering the material the Court of Session has come to a conclusion of the involvement of the applicants in commission of offence under Section 307 of Indian Penal Code is not borne from the said material. Having regard to it, the other offences i.e. offence under Section 385 of Indian Penal Code in which the applicants are said to have been involved being bailable for correct reasons recorded in the said para 7, the Court of Session has accepted the request for pre arrest bail.

4. It is difficult to find any fault in the said order of Court of Session or any merit in

request for cancellation based merely because the co-accused's involvement in the offence under Section 307 of Indian Penal Code. It is difficult to accept that the applicants are not entitle for pre arrest bail when the papers of investigation does not reveal any sound reason necessitating their custodial interrogation for completion of investigation.

5. Resultantly, there are no merits in the application preferred. Hence, application stands dismissed.

6. However, it is submitted that the applicant has not complied the condition of attendance. Liberty to the prosecution to apply for cancellation of bail to the Court granting it.

Application stands disposed of.

(P.D. KODE, J.)