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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 606 OF 2015

Shashikala Ramesh Patankar @ Baby Patankar ... Applicant
Versus
The State of Maharashtra ... Respondent

Mr. N.N. Gavanekar i/by Mr. Sharon Patole for the applicant.

Mr. Rajesh More, A.P.P. for the State.

**CORAM : M.L. TAHALIYANI, J.
DATED : JULY 10, 2015**

P.C.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The applicant is arrested for the offence punishable under section 328 read with 34 of Indian Penal Code. I have gone through the impugned order. The impugned order is not based on merits of the facts. The reasons given by the learned Additional Sessions Judge for rejection of bail application are the earlier cases pending or decided against the applicant. In my opinion, the learned Sessions Judge should have taken into consideration the facts of the case and merits of the application of the applicant instead of looking into background of the applicant. This application is allowed. The order passed by the learned Additional Sessions Judge is set aside. He is directed to hear the application of the applicant afresh in the light of the observations made by this court.

(JUDGE)