

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APPLN) NO. 34 OF 2014

(State of Maharashtra Vs. Dewa Amar Pawar)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri T. A. Mirza, A.P.P. for the applicant.
Shri R. M. Daga, Advocate for the non-applicant.

CORAM : A. B. CHAUDHARI, J.
: 18 NOVEMBER, 2015

This is an application for cancellation of bail granted by this Court to the applicant on 21/11/2013 in Criminal Application (BA) No.739 of 2013. The only ground for cancellation of bail advanced by the learned A.P.P. is that after the applicant was released on bail in this crime, he committed the offence punishable under Section 307 of the Indian Penal Code. He also threatened the witnesses in the instant case.

Per contra, Shri Daga, learned Counsel for the non-applicant submits that while granting bail, this Court had taken care of the apprehension of the prosecution. He also submitted that this Court prima facie observed that fresh crime under Section 307 of the Indian Penal Code appeared to be concocted, and bail was granted.

Without going in to the controversy as above, I think, merely on the allegation of the applicant of tampering the

prosecution witnesses that too after about two years, it would not be appropriate to cancel the bail granted to him. At the most, the apprehension of the prosecution can be taken care of. Shri Daga, learned Counsel for the applicant submits that the non-applicant is ready to reside at Nagpur and would attend the trial at Yavatmal and also undertakes not to influence either the prosecution witnesses or tamper with the evidence. Hence, the following order.

ORDER

Criminal application is disposed of accepting the statement of Mr. Daga, learned Counsel for the non-applicant that non-applicant would reside at Nagpur and visit Yavatmal only for attending the dates appointed before the Sessions Court and would not enter the place where the complainant and the witnesses reside, nor would influence them directly or indirectly.

The Superintendent of Police, Yavatmal shall provide protection to the complainant and witnesses if possible or at least keep surveillance. The Sessions Judge concerned is directed to initiate and complete the trial within a period of four months from today.

JUDGE