

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

CRIMINAL APPLICATION NO.44/2015

**(Sou. Pushpa w/o Gajanan Darade ..vs.. State of Maharashtra, through PSO P. S.
Kingaon Raja, Tq. Sindkhed Raja, Dist. Buldana and ors.)**

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

Court's or Judge's orders.

Mr. Rugved Dhole, Advocate for non applicant no.1.
Mr. R. S. Nayak, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.

DATE : OCTOBER 21, 2015.

Heard learned counsel for the parties.

By the present application, the applicant is seeking cancellation of anticipatory bail granted in favour of the non applicant nos. 2 to 6. The learned Additional Sessions Judge, (Link Court) Mekhar, (Camp at Buldana) has granted anticipatory bail in their favour on 06.07.2015 in connection with Crime No.29/2015 registered with Police Station Kingaon Raja for an offence punishable under Sections 313, 315, 323 read with Section 34 of the IPC.

It is to be noted that the main accused person named in the FIR Gajanan Darade is the son of non applicant nos. 2 and 3 and brother of non applicant nos. 4 to 6. He filed bail application along with non applicant nos. 2 to 6 before the Court below. However, by the impugned order, though the learned Judge of the Court below granted anticipatory bail in favour of non applicant

nos.2 to 6, the application filed on behalf of Gajanan was rejected.

Gajanan approached before this Court by filing Criminal Application No.347/2015 for anticipatory bail. The said bail application was vehemently opposed by Mr.Dhore, learned counsel for the present applicant who appeared in the said proceedings for the first informant. This Court found that the incident is dated 08.02.2015 whereas the FIR is dated 30.03.2015. It is to be seen that the present applicant is not a rustic person. There is also serious dispute in respect of the marital status of the applicant and Gajanan Zade. This Court, after evaluation of the prosecution case, has granted anticipatory bail in favour of Gajanan.

In my view, the Court below has not committed any mistake while exercising discretion in favour of non applicant nos. 2 to 6. Further, non applicant nos. 2 to 6 were directed to appear before the Investigating Officer on 08.07.2015 so also as and when required by the Investigating Officer. In my view, there is no need of cancellation of bail.

In view of above, Criminal Application No.44/2015 is rejected.

JUDGE