

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

Criminal Application No. 49 of 2015

(Rajeshwari Prasad Pande Vs. State of Maharashtra through P.S.O., P.S.
Gittikhadan, Nagpur and anr.)

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

Court's or Judge's order

Shri T. G. Bansod, Advocate for applicant
Shri S. B. Ahirkar, APP for the State

CORAM : P. B. VARALE, J.

DATE : 10-8-2015.

Heard learned counsel for the applicant and
learned Additional Public Prosecutor for the State.

By the present application, the applicant is seeking cancellation of bail granted to non-applicant no. 2. The ground raised by the applicant in challenge to the order is that as the non-applicant no. 2 is already released on bail, the other accused who are absconding while approaching the Court seeking their enlargement on bail may claim the ground of parity. Learned counsel Shri Bansod made his submission revolving around the said ground.

Perused the order passed by the learned Additional Sessions Judge, Nagpur dated 15-6-2015. Learned Additional Sessions Judge while considering

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the submissions on behalf of the applicant as well as the learned APP observed that the application of the applicant was opposed on the ground that other accused namely, husband and father-in-law are absconding. The learned Sessions Judge also considered the fact that the applicant before the Sessions Judge, i.e. the non-applicant no. 2 before this Court, is a lady, who is behind bars for more than 1½ months. Learned Sessions Judge further observed that major part of the investigation was conducted by drawing panchanamas and recording statements of the witnesses. Learned Sessions Judge also by balancing the interest of the investigating agency, namely, imposing certain conditions on the non-applicant no. 2, passed an order dated 15-6-2015 by allowing the application. The non-applicant no. 2 is directed by the Sessions Judge to attend Gittikhadan Police Station thrice in a week in between 10.00 a.m. to 12.00 noon till filing of the charge-sheet.

On considering the order passed by the learned Sessions Judge, I see absolutely no reasons to

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cause any indulgence in the said order. The only ground raised by the applicant is that other accused may approach the Sessions Judge and claim parity. The submission leads to an assumption that the Court below, without appreciating the merits of the application, would pass the order only on the ground that the applicant is claiming parity. Such an assumption drawn by the applicant as a ground raised in the application is wholly unsustainable. The application, being meritless, deserves to be rejected at the threshold. Thus, the application is rejected.

JUDGE

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