

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 481 OF 2016

Bapurao s/o Pandhari Takle,
Age: 55 years, Occu: Agri.,
R/o Devangra, Tq. Bhoom,
Dist. Osmanabad

...Applicant

versus

The State of Maharashtra
Through the Police Station,
Paranda, Tq. Paranda,
District Osmanabad.

...Respondent

.....
Mr. G. J. Kore, Advocate for applicant
Mr. S. P. Sonpawale, A.P.P. for respondent
.....

CORAM : N.W. SAMBRE, J.

DATE : 16th FEBRUARY, 2016

ORAL ORDER :

This application can be conveniently disposed of by observing that by an orders dated 18/04/2015, 02/04/2015 and 25/03/2015 accused persons/respondent No. 2 Sandip s/o Sambhaji Borade, respondent No. 3 Vilas s/o Bharat Borade, and respondent No. 4 Shahaji Shivaji Borade were released by Additional Sessions Judge, Bhoom on regular bail.

2. The fact remains that respondents were released on bail by the orders referred to above by the Sessions Court and as such,

the application for cancellation of their bail as was moved in Sessions Case No.173 of 2014 below Exhibit-129 was very much tenable. The Sessions Court ought to have consider the said application on merit.

3. In this view of the matter, it will be appropriate to dispose of the application by observing that the applicant will be at liberty to move before the Sessions Court under the provisions of Section 439(2) of Code of Criminal Procedure for cancellation of bail, as the bail was granted by the Sessions Court vide above referred orders. If such application is preferred by the applicant by decided by learned Sessions Court on merit.

4. With the above observations, the application stands disposed of.

[N.W. SAMBRE, J.]