

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

CRIMINAL APPLICATION NO.769 OF 2016

Chhagan Vitthalrao Bhavle,
Age 34 years, Occu.Service,
R/o Sonar Galli, Padampura,
Taluka and District Aurangabad

..Applicant

Versus

1. The State of Maharashtra,
Through Investigation Officer,
Satara Police Station,
Taluka and Dist.Aurangabad
2. Pramila Tulshiram Palaskar,
Age 57 years, Occu. Household,
R/o Sataragaon, Taluka and
District Aurangabad
3. Laxman s/o Piraji Palaskar,
Age 65 years, occu. Agril.,
R/o Sataragaon, Taluka and
District Aurangabad

..Respondents

Mr N.A. Matkar, Advocate h/f Mr R.V. Gore, Advocate for applicant
Mr S.J. Salgare, A.P.P. for respondent No.1

CORAM : N.W. SAMBRE, J.

DATE : 5th February 2016

PER COURT

Heard.

2. Learned Additional Sessions Judge, Aurangabad, by an order dated 14th January 2016 passed on Bail Petition No.2275 of 2015 granted pre-arrest bail to respondents No.2 and 3 of which cancellation is sought by the applicant-complainant.

3. Learned Counsel for the applicant-complainant would urge that there are compelling circumstances, which warrant cancellation of bail. He has taken me through the contents of the F.I.R. and the order

of pre-arrest bail passed by the Court below, so as to submit that there is strong prima facie case against the respondents No.2 and 3 about their involvement in the crime in question, as such their custodial interrogation was very much necessary.

4. Learned A.P.P. assisted the Court based on available material in the application and submits that the Court may pass appropriate order in the matter.

5. Upon perusal of the papers, as are placed on record, it is required to be noted that the crime in question is based on the instrument of transfer of plot. It is claimed by the applicant-complainant that the incident had occurred on 20th February 2003 for which the intimation to the Police Station was given on 22nd December 2015. There is delay of about twelve years in lodging the F.I.R. for which no probable explanation is coming forward from the applicant. Apart from this, the fact remains that the crime in question is based on the documents, as observed herein above and the documents are very much available with the investigating agency.

6. In the above background, in my opinion, the custodial interrogation of the respondents No.2 and 3 is not necessary.

7. There are compelling circumstances noticed in the present case, so as to prompt order of cancellation of bail. As such, application fails, stands rejected.

(N.W. SAMBRE, J.)