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

CRIMINAL APPLICATION NO.839 OF 2016

The State of Maharashtra,
Through Police Station Railway,
Nanded
(Cr.No.A-156/2015)

..APPLICANT

VERSUS

1. Annasaheb @ Sheshrao s/o Manikrao
Magar,
2. Abasaheb s/o Ramdas Kondal,
3. Babasaheb s/o Sampati @ Sampatrao
Gurav,

4. Bhima s/o Kishanrao Kamble

..RESPONDENTS

Mr U.S. Mote, Addl. Public Prosecutor for applicant;
Mr S.J. Salunke, Advocate for respondents

CORAM : N.W. SAMBRE, J.

DATE : 2nd March, 2016

ORDER :

Heard.

2. By the present application under section 439 (2) of the Code of Criminal Procedure, the applicant – State seeks cancellation of bail granted to the respondents herein by learned Extra Jt. Ad hoc Additional Sessions Judge, Parbhani, by order dated 26th August, 2015, passed in Misc. Criminal (Bail) Petition No.520 of 2015.

(2)

3. It is not in dispute that this Court, by order dated 27th January, 2016, passed in Criminal Application No.5361 of 2015, at the behest of the complainant Salubai w/o Gulabrao Magar, has already rejected the prayer for cancellation of bail in the crime in question.

4. The present application is moved by the State on the same grounds. Thus, in my opinion, the present application will also be governed by the order dated 27th January, 2016, referred supra.

5. In view thereof, the present application stands rejected.

6. It is made clear that the observations made while rejecting the application are limited only to the extent of entertaining application for grant of bail and the prayer for cancellation of bail. They shall, in no way, affect further investigation or the prosecution story on merits.

(N.W. SAMBRE, J.)

amj