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

CRIMINAL APPLICATION NO.1044 OF 2015

Ismail s/o Anwar Shaikh

..APPLICANT

VERSUS

The State of Mah. & anr.

..RESPONDENTS

Mr Shaikh Mazhar A. Jahagirdar, Advocate for applicant;
Mr M.M. Nerlikar, Addl. Public Prosecutor for respondent no.1;
Mr Yunus B. Pathan, Advocate for respondent no.2

CORAM : N.W. SAMBRE, J.

DATE : 5th January, 2016

ORDER :

By the present application under section 439 (2) of the Code of Criminal Procedure, the applicant seeks cancellation of bail granted to respondent no. 1 by Additional Sessions Judge, Sangamner, vide order dated 7th November, 2014, passed below Exh. 46 in Sessions Case No. 52 of 2014.

2. Mr Jahagirdar, learned Counsel appearing on behalf of the applicant, while strenuously trying to make out a case for cancellation of bail, has invited my attention to the medical report authored by the Medical Officer Dr. Vikas and would submit that the narrations therein ought not to have been considered by the learned Sessions Judge while granting bail to respondent no. 2-accused, particularly in the background of the fact that the victim should have been examined by a lady Medical Officer.

(2)

3. Having perused the contents of the medical report and other material available on record, in my opinion, it appears that, the Court below, while granting bail was alive of all intricacies.

4. In view thereof, no case for interference in the order of grant of bail to respondent no. 2 is made out. Thus, the application fails, stands rejected.

(N.W. SAMBRE, J.)

amj