

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

**CRIMINAL APPLICATION NO. 1563 OF 2016
IN
CRIMINAL APPLICATION NO. 596 OF 2013**

Suresh s/o Namomal Tolani,
Age: 52 years, Occ: Business,
R/o. Block No. B-3, Room No.7,
Kumarnagar, Dhule.

...Applicant

versus

1. Hotchand @ Hatu s/o Sundardas Bajaj,
2. Yogesh s/o Chandardas Bajaj,
3. Hitesh @ Dhabu Chandardas Bajaj,
4. Soni s/o Sundardas Bajaj,
5. Laxman @ Lachchu s/o Sundardas Bajaj,
6. Buntty s/o Hotchand Bajaj,
7. Sachchu Narayandas Santani (Sangtani)

All R/o. Kumar Nagar, Sakri Road,
Dhule, Tal. & Dist. Dhule.

8. The State of Maharashtra,
Through Police Station Officer,
Police Station, Dhule City,
Tal. & Dist. Dhule.

...Respondents

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Mr. R.B. Deshpande, Advocate for applicants
Mr. P.S. Paranjape, Advocate for respondent Nos. 1 to 7
Ms. R.P. Gour, A.P.P. for respondent No. 8

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CORAM : N.W. SAMBRE, J.

DATE : 5th JULY, 2016

ORAL ORDER :

Respondent Nos. 1 to 7 – accused were ordered to be released on pre-arrest bail in Criminal Application No. 596 of 2013 vide order dated 26/02/2013 in Crime No. 234 of 2012 registered with Dhule City Police Station, for an offence punishable under Sections 395, 397, 452, 504, 506 read with Section 34 of the Indian Penal Code.

2. The cancellation of bail is sought under Section 439(2) of the Code of Criminal Procedure on the ground that respondent Nos. 1 to 7 – accused thereafter are involved in various crimes.

3. So far as release of the respondents is concerned, this Court, pursuant to the investigation as was brought to the notice, has ordered their release. The applicant has placed reliance upon six offences registered against the respondents-accused, which are stated i.e. from 1995 to 2003. Last offence against Hotchand Sundardas Bajaj was registered on 27/09/2012, which was pending investigation. Reliance is also placed on Crime No. 55 of 2013 registered against Yogesh Bajaj and others for an offence punishable under Sections 353, 143, 147, 323, 504, 332 of the Indian Penal Code and under Section 135 of the Bombay Police Act.

4. Upon perusal of the entire proceedings as are brought on record, it is required to be noted that there appears to be enmity between the applicant and respondents-accused. At the behest of applicant, certain non cognizable offences are registered against the respondents-accused. The material as is sought to be relied upon by learned Counsel for the applicant for seeking cancellation of bail, in my opinion, is based on the incidents, majority of which, are prior to the grant of bail to the respondents-accused.

5. Apart from above, in my opinion, having regard to the material as is placed on record, no case for cancellation of bail, is made out. The application fails, same stands rejected.

[N.W. SAMBRE, J.]

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