

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

CRIMINAL APPLICATION NO. 3304 OF 2015

Narayan S/o Sadashivrao Shinde,
Age: 60 years, Occu.: Agril.,
R/o At post Asola,
Tq. & Dist. Parbhani

...Applicant

versus

Rohidas S/o Bhagwan Satpute,
Age: 30 years, Occu: Agril.,
R/o. Isad, Tq. Gangakhed,
Dist. Parbhani & anr.

...Respondents

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Mr. Mahesh P. Kale, Advocate for applicant
Mr. M. A. Daund, Advocate h/f Mr. C. K. Shinde, Advocate for respondent
No. 1
Mr. U.S. Mote, A.P.P. for respondent

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CORAM : N.W. SAMBRE, J.

DATE : 4th JANUARY, 2016

ORAL ORDER :

Non-applicant No. 1 Rohidas was released on pre-arrest bail by learned Sessions Court in exercise of powers under Section 438 of Code of Criminal Procedure by order dated 12/06/2015 for the offence punishable under Sections 326, 341, 427, 504, 506 read with Section 34 of the Indian Penal Code. He moved an application before the Sessions Court on 01/06/2015 and on 01/06/2015 ad-interim protection was granted directing non-applicant No.1 to

appear before the Investigating Officer on 02/06/2015. The bail was then confirmed on 12/06/2015 by Sessions Court of which cancellation is sought by the applicant-complainant on the ground that non-applicant No.1 accused has flouted/jumped condition of bail by not appearing before the Investigating Officer on 02/06/2015, such case is supported by learned A.P.P.

2. The contentions are opposed by learned Counsel for non-applicant No.1 on the ground that though he attended before Investigating Officer on 02/06/2015 in compliance with the order of learned Sessions Court passed on 01/06/2015, the Investigating Officer has not permitted or marked his presence. He would then submit that the above referred submissions could be fortified having regard to the fact that while confirming bail on 12/06/2015 non-compliance of appearance on 02/06/2015 was not brought to the notice of the Sessions Court.

3. In my opinion, learned Counsel for non-applicant No. 1 was right in pointing out that the said issue ought to have been agitated by the learned Sessions Judge confirmed bail on 12/06/2015. The ground, in my opinion, is sought to be raised for cancellation of bail is nothing but by way of afterthought.

4. In this background, in my opinion, no case for cancellation of bail is made out. As such, the application fails, same stands dismissed.

[N.W. SAMBRE, J.]

Tupe/04.01.2016