

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

CRIMINAL APPLICATION NO.3825 OF 2015

Sagar s/o Motilal Choudhari,
Age 27 years, Occu. Business,
R/o Plot No.135, Shani Peth,
Chaugule Plot, Jalgaon,
Taluka and District Jalgaon

..Applicant
(Original Complainant)

Versus

1. The State of Maharashtra,
through Police Station,
Ramanandnagar, Jalgaon
2. Jivan s/o Kashinath Patil,
Age Major, Occu. Service,
R/o Bakkal No.NPC, 137,
Economical Crime Branch
Jalgaon, District Jalgaon

..Respondents
(Respondent No.2 – original
accused)

Mr B.S. Deshmukh, Advocate for applicant
Mrs R.K. Ladda, A.P.P. for respondent No.1
Mr V.B. Patil, Advocate for respondent No.2

CORAM : N.W. SAMBRE, J.

DATE : 19th January 2016

PER COURT

Heard.

2. Pursuant to a complaint under Section 156 (3) of Cr.P.C., vide Misc.Criminal Application No.425/2015, offences punishable under Sections 307, 511, 384, 385, 392 read with Sec.34 of Indian Penal Code and under Section 3/25 of Arms Act came to be registered against the respondent No.2. The respondent No.2 was released on pre-arrest bail by learned Additional Sessions Judge, Jalgaon vide order dated 5th June 2015 of which cancellation is sought.

3. Mr Deshmukh, learned Counsel for the applicant, while strenuously urging for cancellation of bail would urge that the submissions on the part of learned A.P.P., while opposing the bail application were uncalled for and it was expected of learned Court below to decide the bail application without being influenced therewith. He would then urge that perusal of the complaint under Section 156 (3) of Cr.P.C. speaks involvement of respondent No.2 and as such, his custodial interrogation was very much necessary.

4. According to Mr Deshmukh, the application needs to be allowed by cancelling the bail granted to respondent No.2.

5. Learned A.P.P. has supported the order granting bail to respondent No.2 on the ground that the order speaks of the reasons for releasing the respondent No.2 on bail.

6. Having bestowed my anxious thoughts to the submissions made, it is though noted that the learned A.P.P. submitted that the complaint seems to have filed on political motivation, while giving say to the pre-arrest bail application, however, it is required to be noted that the learned Judge, while dealing with the application has considered the allegations made in the F.I.R. and the complaint against the accused/respondent No.2. The Court then noted that only offence for the extortion could be made out against the accused/respondent No.2, for which punishment is of three years and proceeded to release the respondent No.2.

7. In my opinion, learned Sessions Judge has considered the pros and cons of the matter as is narrated in the application under Section 156 (3) of Cr.P.C. and has ordered release of respondent No.2 on pre-arrest bail. There is no complaint that the respondent No.2 has jumped the condition. As such, no case for cancellation of bail granted to respondent No.2 is made out. Criminal Application fails, stands rejected.

(N.W. SAMBRE, J.)

vvr