

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

CRIMINAL APPLICATION NO. 4320 OF 2015

The State of Maharashtra,
through Police Inspector,
Police Station Washi,
Dist. Osmanabad.

...Applicant

versus

Amol s/o Narsing Tambade,
Age: 30 years, Occ: Agri.,
R/o. Dongarewadi, Tq. Washi,
Dist. Osmanabad.

...Respondent

.....
Mr. S.Y. Mahajan, A.P.P. for applicant
Mr. S.G. Jadhavar, Advocate respondent
.....

CORAM : N.W. SAMBRE, J.

DATE : 22nd FEBRUARY, 2016

ORAL ORDER :

The order dated 13/07/2015 passed by the Sessions Court, Bhoom granting pre-arrest bail to respondent-accused in Crime No.120 of 2015 registered with Washi Police Station, District Osmanabad, for the offence punishable under Sections 420, 32 of Indian Penal Code read with Section 7(1)(b) of Seeds Act and under Section 2(g) of Seeds Rules 1968, 13(c) of Seeds Control Act, Sections 3 and 7 of Essential Commodities Act, 1955 is without any reasons and considerations as are required to be reflected in the order under the provisions of Section 438 of Code of Criminal Procedure.

2. In view thereof, the order dated 13/07/2015 is hereby set aside. Pre-arrest bail granted to the respondent-accused is cancelled. The respondent-accused is at liberty to apply afresh before the Sessions Court, Bhoom for granting pre-arrest bail in Crime No. 120 of 2015. The Sessions Court, Boom shall decide the said application on its own merits recording reasons either way for rejection or for granting pre-arrest bail in tune with the requirements of Section 438 of Code of Criminal Procedure. Till then, protection granted by the Sessions Court, Bhoom on 13/07/2015 shall be continued for period of two weeks from today.

3. The application stands allowed in above terms.

[N.W. SAMBRE, J.]