

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

CRIMINAL APPLICATION NO.5482 OF 2015

Gokul Dhondu Patil,
Age 61 years, Occu. Retired,
R/o Kalmadi, Taluka Sindkheda,
District Dhule, presenting
residing at Aeroll, Room No.18,
Sector No.4, Navi Mumbai

..Applicant

Versus

1. The State of Maharashtra

2. Abhiman Venkat Patil,
Age 68 years, Occu. Agri.,
R/o Kalmadi, Taluka Sindkheda,
District Dhule

3. Chandrakant Abhiman Patil,
Age 37 years, Occu. Agriculture,
R/o Kalmadi, Taluka Sindkheda,
District Dhule

..Respondents

Mr Shrikant Patil, Advocate for applicant
Mr M.B. Bharaswadkar, A.P.P. for respondent No.1
Mr Chetan T. Jadhav, Advocate for respondents No.2 and 3

CORAM : N.W. SAMBRE, J.

DATE : 8th February 2016

PER COURT

Heard.

2. Learned District Judge & Additional Sessions Judge, Dhule, by order dated 31st August 2015 and 9th September 2015 has granted regular bail to the present respondents No.2 and 3 in Crime No.44 of 2015, registered at Nardana Police Station, for the offences punishable under Sections 302, 326, 279, 337, 338, 504 and 506 read with Sec.34 of Indian Penal Code.

3. Learned Additional Sessions Judge, while granting regular bail has taken note of the attributions against the respondents No.2 and 3 in the F.I.R. and further investigation.

4. It is noted by learned Sessions Court that the respondents No.2 and 3 appeared on the spot after the incident in question was occurred.

5. Mr Patil, while trying to agitate before this Court for cancellation of bail and so as to establish the compelling circumstances prompting cancellation of bail would urge that the respondent No.3 - Chandrakant has criminal antecedents and sought to place on certain N.C. registered against him. In addition to this, he would submit that there is enough evidence, from which it could be inferred that respondents No.2 and 3 were prima facie involved in the crime in question.

6. The claim is based by the respondents No.2 and 3 on the ground that learned Sessions Court has rightly appreciated their role, as has been mentioned in the F.I.R. and other investigation papers. According to him, there are no compelling circumstances.

7. Learned A.P.P. assisted the Court and submits that the Court may pass appropriate order in the matter.

8. It is not in dispute that the main accused is already behind the bar in present case. The grounds for releasing the present respondents No.2 and 3 are very much narrated in the reasoned order passed by learned Sessions Court, which was passed after taking into account the role attributed to the respondents in the crime in question.

9. In my opinion, having regard to the contents of charge-sheet, it has to be inferred that there are no compelling circumstances which prompts cancellation of bail of respondents No.2 and 3, much less having regard to the fact that liberty granted to them was not misused.

10. As such, application fails, stands rejected.

(N.W. SAMBRE, J.)

vvr