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

**CRIMINAL APPLICATION NO.6526 OF 2014**

Suresh s/o Shivaji Kardile

..APPLICANT

VERSUS

The State of Mah. & ors.

..RESPONDENTS

Mr Sanjay D. Kotkar, Advocate for applicant;

Mr M.B. Bharaswadkar, Addl. Public Prosecutor for respondent no.1;

Mr P.V. Ambade, Advocate for respondents no.2 & 3

**CORAM : N.W. SAMBRE, J.**

**DATE : 5<sup>th</sup> January, 2016**

**ORDER :**

By the present application under section 439 (2) of the Code of Criminal Procedure, the applicant – complainant seeks cancellation of pre-arrest bail granted to respondents no.2 and 3, in connection with C.R. No.I-276 of 2014, registered with Newasa police station, for offences punishable under sections 326, 323, 504, 506 read with sec. 34 of the Indian Penal Code, by order dated 21<sup>st</sup> November, 2014, passed by learned Additional Sessions Judge, Newasa, in Criminal Misc. Application No.148 of 2014.

2. Learned Counsel appearing on behalf of the applicant-complainant would urge that on merits, the learned Additional Sessions Judge was not right in granting pre-arrest bail to respondents no.2 and 3, as he has failed to appreciate the nature of injuries caused and the weapon used in the

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crime. According to him, the offence is punishable under section 307 of the Indian Penal Code.

3. It is not the case of the applicant or the prosecution, that the respondents no.2 and 3 have flouted the conditions of bail. The cancellation of bail is sought on merit.

4. Once the learned Sessions Court has exercised the discretion vested in it and has granted pre-arrest bail in favour of the accused persons looking to the nature of allegations and the sections under which the offence is punishable, in my opinion, it will be inappropriate to interfere in the liberty of the accused persons, which was already looked into by the learned Sessions Court.

5. No case for interference is made out. Thus, Criminal Application fails and stands rejected.

**(N.W. SAMBRE, J.)**

amj