

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APPLN) NO.2/2016

State of Maharashtra, through Police Station Officer Police Station Katol, Distt. Nagpur

..Versus..

Kamlesh S/o Vitthalrao Mahajan

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 7.3.2016

Heard Shri S.S. Doifode, A.P.P. for the applicant - State of
Maharashtra.

The State of Maharashtra has filed this application under
Section 439(2) of the Code of Criminal Procedure praying that the
order passed by the learned Additional Sessions Judge on 17th
November, 2015 granting pre-arrest bail to the non-applicant be set
aside and the pre-arrest bail granted to the non-applicant in the event
of arrest in crime registered against him for the offence punishable
under Section 292, 354(A), 501, 34 of the Indian Penal Code read with
Section 67(A) of the Information and Technology Act, be cancelled.

The cancellation of bail is sought on the ground that the
learned Sessions Judge has not considered all the relevant material on
the record while passing the order dated 17th November, 2015 and

granted pre-arrest bail to the non-applicant. The accusations against the non-applicant are that he is responsible for preparation and display of the objectionable C.D. of his divorced wife. The case of the applicant is not that the non-applicant has misused the liberty. The applicant has not been able to show that as the non-applicant is released on pre-arrest bail it has hampered the investigation and that the custody of non-applicant is required for further investigation.

In view of the above, I am not inclined to consider the prayer made in the application for setting aside the order dated 17th November, 2015 and for cancellation of pre-arrest bail granted to the non-applicant. The application is **dismissed**.

JUDGE

Tambaskar.