

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE**

CRIMINAL APPLICATION NO.482 OF 2013

Deepak Jagannath Yadav Petitioner
versus
Rahul Ramesh Gujar & Others ... Respondents

WITH

CRIMINAL APPLICATION NO.393 OF 2013

Deepak Jagannath Yadav Petitioner
versus
Vishal Rajan Gore & Others ... Respondents

WITH

CRIMINAL APPLICATION NO.394 OF 2013

Deepak Jagannath Yadav Petitioner
versus
Prathamesh Gopal Khupekar & Anr. ... Respondents

Mr. Manoj M. Gadkari, Advocate for the Applicants in all the applications.

Mr. Bharat M. Sarda, Advocate for Respondent No.1 in Application No.393/13.

Mr. Anilkumar Patil, Advocate for Respondent NO.2 in Application No.394/13.

**CORAM : MRS. MRIDULA R. BHATKAR, J.
DATE : 20th JANUARY, 2017.**

P.C. :

1. These three applications are moved for cancellation of bail by the original complainant Deepak Jagannath Yadav, the brother of the deceased Sachin Jagannath Yadav. The details of the present applications are as follows:

Sr. No	BA No.	C.R No.	Police Station	Name of accused		Date of order on which bail is granted
1	381/13	105/13	Satara Taluka	No.1	Rahul Ramesh Gujar (in BA No.482/13)	29/08/2013
2	325/13	105/13	Satara Taluka	No.2	Vishal Rajan Gore (in BA No.393/13)	19/07/2013
				No.3	Suresh Laxman Kolekar (in BA No.393/13)	
3	319/13	105/13	Satara Taluka	No.4	Prathamesh Gopal Khupekar (in BA No.394/13)	11/07/2013

2. The learned counsel for the applicants/accused submitted that the applicants/accused have murdered Sachin Yadav, on 19/05/2013 and thereafter the offence was registered on 20/05/2013 by the present applicant. He submitted that it is an offence of murder committed by the respondents/accused, however within two months they were released on bail. This fact cannot be justified. He further submitted that the body of the

deceased after murder was set on fire after pouring kerosene. He submitted that this act was done by the accused Rahul Gujar. He further submitted that Rahul Gujar thereafter committed offence punishable u/s 307 of IPC and C.R.No.34/14 is registered against him. He further submitted that other respondents/accused have threatened him on 12/08/2013 pursuant to which N.C. was registered on 20/08/2013 and therefore the bail be canceled.

3. The learned counsel for the respondents/accused who are present have supported the orders by the learned Sessions Judge granting bail to the respondents/accused. The learned counsel for the applicant No.4 Prathamesh Gopal Khupekar has submitted that in 2013 he was taking education in the college for BSC (Part-I) and he has not violated any terms and conditions of bail. The learned counsel for the applicant/accused No.2 Vishal Rajan Gore has submitted that the applicant/accused No.2 has attended all the Court dates and chargesheet is filed and has not committed any offence which is alleged by the applicant.

4. The learned prosecutor submits to the orders of the Court.

5. Perused the order passed by the learned Sessions Judge. From the submissions of learned counsel for the applicant/accused i.e. the original complainant and the counsel appearing for the respondents/accused, the terms and conditions, which were imposed at the time of granting bail are not violated. It is not the case that the respondents/accused have jumped the bail, but are regularly attending the Court dates.

6. The N.C. though was lodged 8 days after the alleged incident of threatening. However, on query the learned counsel for the applicant/accused i.e. original complainant informs the Court that thereafter no such incident of threatening or pressurizing the applicant has occurred.

7. The Courts are slow in cancelling the order bail, once it is granted unless sufficient cause is pointed out. I am of the view

that in respect of these respondents/accused, sufficient reason is not made out to cancel their bail.

8. In view of this fact and the order passed by the learned Session Judge, I am not inclined to cancel the bail granted by the learned Sessions Judge. Hence the application is rejected.

(MRS. MRIDULA R. BHATKAR, J.)