

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 676 OF 2015

Mohammad Shaban Peer Mohammad ... Applicant
Vs.
The State of Maharashtra & Anr. ... Respondents

Ms. Nasreen Sajid Khalique, Advocate for the applicant.
Mrs. Rutuja Ambekar, APP for the respondent/State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **16th February, 2017.**

P.C.:

This Application is moved for cancellation of order dated 17th August, 2015 passed by the Additional Sessions Judge, Malegaon granting bail to the respondent/accused in the case under section 307 of the Indian penal Code, which is pending against respondent no. 2/ accused.

2. The learned counsel for the applicant has submitted that the respondent/accused after releasing on bail has threatened the applicant and to that effect one NC is lodged. The learned counsel further submitted that the learned Judge has mentioned in paragraph 5 that there are no criminal antecedents against the respondent/accused and similar fact is contended in paragraph 7 of the said Bail Application by the respondent/accused. She submitted that the earlier one C.R. No. 31 of 2007 was registered when the accused was prosecuted for theft under

section 380 of the Indian Penal Code. Therefore, the bail granted to the respondent/accused be cancelled.

3. Learned APP submits to the order of the Court.

4. Perused the impugned order and the documents relied by the learned counsel. It appears that a case of theft was filed against the respondent/accused, however, it is not an offence against human body. So also while granting bail to the respondent/accused, apart from criminal antecedents, the learned Judge has considered the Application on merit. As per the case of the applicant/complainant, threats were given, however, NC is lodged by the police. Under such circumstances, there is no sufficient reason and strong ground to cancel the bail. Hence, Application is dismissed.

(MRIDULA BHATKAR, J.)