

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

CRIMINAL APPLICATION NO. 85/2015

Hariram s/o Atmaram Wankhede ..vs. State of Maharashtra, thr. PSO P. S. Armori, Dist.
Gadchiroli and others.

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

Court's or Judge's orders.

Mrs. P. S. Chaudhari, Advocate for applicant.
Mr. R. S. Nayak, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.

DATED : JUNE 14, 2017

This is an application under Section 439 (2) of the Code of Criminal Procedure for cancellation of regular bail granted in favour of the non applicant nos. 2 to 4 by the learned Sessions Judge, Gadchiroli on 19.10.2015 in Misc. Cri. Bail Application No.358/2015.

Heard Mrs. Chaudhari, learned counsel for the applicant.

The present applicant is not the first informant. According to the statement made by the learned counsel for the applicant, if the bail granted is not cancelled then there is every possibility that the non applicant nos.2 to 4 may also eliminate the present applicant. Therefore, the application is pressed for cancellation of bail which was granted in favour of the non applicants in Crime No.54/2015 for the offence punishable under Section 302 of the IPC.

The bail was granted by the learned Sessions Judge on 19.10.2015, the present proceeding was filed on 26.10.2015. No steps were taken by the applicant for circulating the application for cancellation of bail till 20.04.2017. On the said date, when the matter was listed, at the request of the applicant, the matter was posted beyond vacation.

The apprehension that if the bail is not cancelled, the applicant will be eliminated cannot be a ground for cancellation of the bail. Further, from 2015 till today nothing is brought on record to show that the non applicants have flouted the conditions and/or they have interfered with the investigation.

In that view of the matter, the present application is devoid of any substance. The same is therefore rejected.

JUDGE