

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

CRIMINAL APPLICATION NO. 846 OF 2015

Santosh Sevu Pawar	Applicant
V/s.	
Mr. Laxman Ganpat Lekawle & Anr.	Respondents

**WITH
CRIMINAL APPLICATION NO. 190 OF 2016**

The State of Maharashtra	Applicant
V/s.	
Laxman Ganpat Lekawle	Respondent

Mr. Anant Vadgaonkar for the applicant in APPLN 846/2015.
Mr. Ajay Patil, APP for the State/applicant in APPLN 190/2016.
Mr. V.H. Shinde, Asst. P.I., Dehuroad Police Station, Pune Rural,
present.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED: 17th OCTOBER, 2018.**

P.C.:

. These are the applications under Section 439(2) of Criminal Procedure Code filed by the State as well as the first informant to cancel bail granted to the respondent no.1 (*accused no.6 in C.R.No.35/2015*) registered with Velha Police Station, Pune Rural for offences punishable under sections 395, 364-A, 387 of the Indian Penal Code and under sections 3(1)(ii) and 3(4) of the M.C.O.C. Act.

2. Heard Mr. Anant Vadgaonkar, learned counsel for the applicant and Mr. Ajay Patil, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The records reveals that the respondent no.1 was arrested in the said crime on 19/11/2015. Since no charge sheet was filed within 180 days, respondent no.1 has filed an application for bail under section 167(2) of the Criminal Procedure Code. The learned Special Judge (under the MCOC Act) granted the said application and ordered release of the respondent no.1 (*accused no.6*) on executing P.R. bond of Rs.50,000/- with one or two solvent sureties in the like amount, subject to the other conditions imposed in the said order.

4. The respondent no.1 was released on bail in the year 2015. Furthermore, Mr. Anant Vadgaonkar, learned counsel for the applicant submits that the charge sheet has already been filed and trial is almost concluded. Considerable time has lapsed since the release of the respondent no.1. There is nothing on record to indicate that the respondent no.1 has misused the liberty or interfered with the administration of justice during the period he was on bail. There are

no supervening circumstances to justify cancellation of bail.

5. Considering the above facts and circumstances, in my considered view, this is not be a fit case for cancellation of bail. Hence, the Applications are dismissed.

6. At this stage, learned counsel for the applicant in APPLN No.846 of 2015 submits that while granting the bail, the learned Special Judge has observed that the provisions of MCOC Act are not applicable.

7. Suffice it to say that the aforesaid observations are prima facie in nature. The learned Judge shall decide the case without being influenced by the said observations.

8. Both Criminal Applications are dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)