

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

CRIMINAL APPLICATION NO. 676 OF 2017

Yuvraj @ Sunil Bhanudas Patil

....Applicant

V/s.

The State of Maharashtra & Ors.

....Respondents

Mr. Tushar N. Sonawane for the applicant.

Ms. Rati Sinhasane i/b. Mr. Umesh Mankapure for R.Nos.2 and 3.

Mr. S.H. Yadav, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 26th OCTOBER, 2018.

P.C.:

. This is an application under section 439(2) of the Criminal Procedure Code filed by the first informant in C.R.No.434/2017 registered at Tasgaon Police Station, Sangli.

2. Heard Mr. Tushar Sonawane, learned counsel for the applicant, Mr. S.H. Yadav, learned APP for the State and Ms. Rati Sinhasane, learned counsel for respondent nos.2 and 3. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The records prima facie reveal that pursuant to the first information report lodged by the aforesaid applicant, the aforesaid crime was registered for offences under sections 143, 147, 148, 326 r/w. 149 of the Indian Penal Code, under section 25 of the Indian Arms Act and under section 135 of the Mumbai Police Act.

4. The respondent nos.2 and 3 had filed an application under section 438 of Criminal Procedure Code apprehending their arrest in the said crime. The learned Additional Sessions Judge, Sangli vide order dated 18/11/2017 whilst allowing the Criminal Bail Application No. 984/2017 had observed that the injuries sustained by the applicant were simple in nature and prima facie the offence under section 326 of the Indian Penal Code is not applicable.

5. Mr. Tushar Sonawane, learned counsel for the applicant has submitted that the said finding is erroneous. It may be mentioned that the medical certificate prima facie reveal that the injuries sustained by the applicant were simple in nature. There is no other material on record to prima facie suggest that the applicant had sustained grievous hurt within the meaning of section 320 of the Indian Penal Code. Prima facie, the ingredients of section 326 are not made out.

6. The finding of the learned Trial Judge is neither perverse nor based on irrelevant material, but are based on material on record. Suffice it to say that bail once granted cannot be cancelled in a mechanical manner unless there are supervening circumstances which justify cancellation of bail and/or the order is perverse or ex-facie illegal.

7. In the instant case, there are no allegations that the respondent nos.2 and 3 have misused the liberty. There are no supervening circumstances which justify cancellation of bail. Considering the above facts and circumstances, in my considered view, the applicant has failed to make out a case for cancellation of bail. Hence, the Application is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)