

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

CRIMINAL APPLICATION (APPLN) NO.55/2019

Lilabai Ramrao Akhare .vs. State of Maharashtra through PSO P.S. Khadan, Akola,
Tq. Dist. Akol and Ors.

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

Court's or Judge's orders.

Mr. J. B. Kasat, Advocate for applicant.
Mr. N. R. Rode, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.
DATED : OCTOBER 1, 2019

Heard Mr. Kasat, learned counsel for applicant.

This is an application for cancellation of anticipatory bail granted by Additional Sessions Judge, Akola on 19.08.2019 in favour of non applicant no.2. By the order dated 19.08.2019 in Misc.Criminal Application No.560/2019, learned Judge of the Court below granted pre arrest bail in favour of non applicant no.2 in connection with Crime No.411/2019 registered with Police Station, Khadan, Akola for an offence punishable under Section 381 of the Indian Penal Code.

With assistance of learned counsel, I have perused impugned order. In paragraph no.7 of the impugned order, it is observed and which is not in dispute that non applicant no.2 was in employment of the son of the first informant and prior to one month of lodging of the report i.e. on 10.09.2019, he left service of her son. The learned Judge observed that as per case of the prosecution, on 28.07.2019, she opened the cupboard of her house to notice factum of theft and after a lapse of 14 days, the FIR was lodged.

The learned Judge of the Court below has rightly granted anticipatory bail in favour of non applicant no.2. It is to be noted that even the interest of the prosecution was also secured by the learned Judge of the Court below by imposing a condition which is available in operative part (3) of the order, directing the non applicant to attend Police Station.

In my view, the learned Judge of the Court below has exercised the discretion properly, warranting no interference. The application is, therefore, rejected.

JUDGE

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