

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

APPLICATION FOR CANCELLATION OF BAIL NO.30 OF 2021

**SUNIL RAOSAHEB GULDAGAD
VERSUS
PARAJI RANGNATH TANPURE AND OTHERS**

...
Advocate for Applicant : Mr. Andhale S. R.
APP for Respondent No.8 – State : Mr. V. S. Badakh
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CORAM : PRAKASH D. NAIK, J.

DATE : 26th OCTOBER, 2021

PER COURT :

1. This is an application for cancellation of anticipatory bail granted to respondent Nos. 1 to 7 vide Section 439(2) of Cr.P.C.
2. The FIR was registered on 06-12-2020 at Rahuri Police Station, for offences punishable under Sections 326, 323, 504, 506, 141, 143, 147, 148 and 149 of the I.P.C. at the instance of Sunil Raosaheb Guldagad. It is alleged that the accused had assaulted the complainant and his father Raosaheb Guldagad with weapons. Accused Swapnil Tanpure and Sandip Tanpure were armed with weapons and they had allegedly assaulted the witnesses. Other accused were involved in assault by fist/kick blows and wooden logs.
3. The respondents had preferred application for anticipatory bail before the Court of Sessions at Ahmednagar.

Initially, interim relief was granted to them vide order dated 11-12-2020. The application was finally disposed of vide order dated 11-01-2021, by granting relief to the respondents under Section 438 of Cr.P.C. This order has been challenged by the original complainant by preferring this application.

4. Learned advocate for the applicant/complainant submitted that the order passed by the learned Sessions Judge is erroneous. The Court have overlooked the role attributed to the respondents accused. Although it was observed in the order that Swapnil Tanpure and Sandip Tanpure were attributed overt act, they were granted anticipatory bail. The operative part of the order mentions that the accused shall assist the investigating officer for recovering weapons. However, the accused have not co-operated with the investigation. The interim order does not spell out any reasons, however, the learned Sessions Judge has confirmed the interim relief. There are no cogent reasons assigned by the Court while allowing the application for anticipatory bail. The custodial interrogation of the respondents accused was required for the purpose of investigation. The injured persons had sustained injuries. The accused are threatening witnesses.

5. Learned advocate for respondent Nos. 1 to 7 submitted that the learned Sessions Judge has assigned reasons for allowing

the application for anticipatory bail. On completing the investigation, charge-sheet has been filed. The charge-sheet indicates that the weapons are recovered from accused Swapnil Tanpure and Sandip Tanpure and thus, the order dated 11-01-2021 stands complied. Since the charge-sheet is already filed, question of subjecting the respondents to custodial interrogation does not arise.

6. The cross case was registered at the instance of the respondents vide Crime No.2002 of 2020 for offences punishable under Sections 143, 147, 323, 504, 506 and 427 of the I.P.C. Learned APP submitted that specific role has been attributed to the respondents. Some of the accused were armed with weapons. It is confirmed that the charge-sheet is filed.

7. From the documents on record, it is apparent that there is a dispute between both the sides. Complaints are filed against each other resulting in registration of the FIR. The learned Sessions Judge has allowed the application. It was observed that relief can be granted on certain conditions. It was also directed that the accused shall assisted investigating officer for recovery of weapons. The charge-sheet states that weapons are recovered. Investigation is completed and charge-sheet is already filed. It is not the case of the prosecution that further investigation is required to be conducted. The application has been preferred by the original

complainant seeking cancellation of anticipatory bail. It was the contention of the applicant/complainant that the custodial interrogation was required. The charge-sheet filed by the prosecution investigating agency indicates that the statements of the witnesses were recorded and the weapons were recovered.

8. Considering the aforesaid factual aspects, no case is made out for setting aside the order granting anticipatory bail to respondent Nos. 1 to 7. Learned Advocate for applicant, prayed that trial may be expedited.

ORDER

- (i) Application for Cancellation of Bail stands rejected and disposed of.
- (ii) The trial is expedited.

(PRAKASH D. NAIK, J.)