

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

APPLICATION FOR CANCELLATION OF BAIL NOS. 62 OF 2021
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Yashraj s/o. Rohidas Pawar

...Applicant.

Versus

The State of Maharashtra and Anr.

....Respondents.

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Mr. R.P. Dhase, Advocate for applicant.

Mr. S.B. Narwade, APP for respondent/State.

Mr. R.P. Wagh, Advocate for respondent No. 2 in ACB No. 62 & 64/21.

Mr. A.D. Gade, Advocate for respondent No. 2 in ACB No.63/21

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CORAM : PRAKASH D. NAIK, J.

DATED : 29/11/2021.

ORDER :

. All these applications are preferred under section 439 (2) of Code of Criminal Procedure (for short 'Cr.P.C.'), seeking cancellation of bail granted to the respondents/accused in Crime No. 30/2021 registered with Majalgaon Police Sation, Majalgaon, District Beed by orders dated 9th February 2021 and 10th February 2021.

2. The case of the prosecution is that the complainant is

young boy age about 18 years. He is student. He was preparing for the examination of appointment of police. He was practicing running on the ground of college. Other students and boys were also practicing. Various persons were also visiting the ground for gymnasium. On 21.1.2021 the complainant had visited the ground. While returning he came across Akash Chandmare, Dipak Sahajrao and Pramod Umbre. Akash Chandmare pushed him. There was quarrel between them. Dipak Sahajmare and Pramod caught him and Akash Chandmare removed the knife and gave blow on his ribs. Before he could give another blow, the complainant managed to escape. The passerby took him to police station. Police referred the complainant for treatment. The First Information Report (for short 'FIR') was registered vide Crime No. 30/2021 on 22.1.2021 with Majalgaon Police Station, District Beed.

3. Pramod Umbre preferred application for bail before the Court of Additional Sessions Judge, Majalgaon. He was released on bail by order dated 9th February 2021. Akash Chandmare was granted bail by order dated 10th February 2021. Dipak Sahajrao was released on bail by order dated 9th February 2021. All the respondents/accused in the aforesaid applications for cancellation of bail.

4. The grounds for cancellation of bail urged by the complainant in these applications are that order passed by the learned Judge is contrary to the record. The offence is serious. There is sufficient evidence to show the involvement of the accused. The accused have committed the offence under section 307 of Indian Penal Code (for short 'IPC'). The reasons assigned by the learned Judge for granting bail are contrary to the record. The learned Judge has not assigned any cogent reason for releasing the accused on bail. The learned Judge has overlooked the seriousness of the offence. The injured has suffered serious injuries. The injured is young boy aged about 18 years. The accused had indulged in threatening the witnesses. Within short span of custody the accused were granted bail. The complainant was hospitalized between 22.1.2021 and 1.2.2021 for the period of 10 days. The complainant is student. Reliance is placed on the decision of the Supreme Court in the case of **Chander Kant Vs. The State of Himachal Pradesh & Anr, 2018 ALL MR (Cri) 3165** and another decision of the Apex Court in the case of **Bharatbhai Bhimabhai Bharwad Vs. State of Gujarat & Ors., 2019 ALL SCR (Cri) 1955.**

5. Learned APP submitted that the accused were named in the FIR. Specific overtacts are attributed to them. The injured had suffered serious injuries. Specific role is attributed to respondents/accused. Offence under section 307 of IPC is made out. The reasons for granting bail are erroneous. There are eye witnesses to the incident. Medical evidence supports the prosecution case.

6. The accused were arrested on 22.1.2021 and they were in custody. The incident had occurred at the spur of moment. While granting bail to Pramod Umbre (respondent No. 2) in ACB No. 62/2021, it was observed that the said accused and co-accused Dipak Sahajrao caught hands of the complainant and the other accused Akash Chandmare gave blow of knife on the abdomen of complainant. All of them were arrested and weapons were seized. There are no specific allegations against this accused. Nothing was seized from him. He is student. There are no criminal antecedents against him. Custodial interrogation is required. Guilt of accused can be held during trial. His presence can be secured to cooperate with the trial. Though the offence is serious, considering the age and allegations against him, bail can be granted to him.

7. While deciding the application preferred by co-accused Akash Chandmare, it was observed that he gave blow of knife. Pramod and Dipak caught hold of complainant and Akash gave blow of knife. The weapon was seized. The accused was arrested on 22.1.2021 and remanded to police custody till 25.1.2021. Nothing is seized and remained to be seized from the said applicant. Further custodial interrogation of the said accused is not necessary.

8. Accused Dipak Sahajrao was arrested. By order dated 9th February 2021 the learned Sessions Judge while allowing the application for bail had observed that Akash gave blow of knife on the stomach of complainant. All the accused were arrested and remanded to custody till 25.1.2021. Till then the accused is in custody. Nothing was seized from him. Further custodial interrogation is not necessary.

9. Thus, from all the factual aspects as stated above, it can be seen that the respondents/accused were arrested and they were in custody. The learned Judge has analysed the facts and by assigning the reasons granted bail to them. Investigation is complete and the chargesheet has been filed. Taking overall view of the matter, the respondents/accused need not be subjected to custody by cancelling

bail granted to them. There is no reason to interfere in the impugned orders granting bail.

ORDER

- i. ACB Nos. 62, 63 and 64 of 2021 stand rejected and disposed of.

[PRAKASH D. NAIK, J.]

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