

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

CRIMINAL APPLICATION NO. 50 OF 2017

Sandip Balaso Jadhav

..Applicant

v/s.

Sanjay Shivaji Hawaldar & Anr.

..Respondent/s

Mr. Satyajeet Rajeshirke for the Applicant.

Mr. Vinayak Patil for the Respondent No.1.

Mr. S.V.Gavand, APP for the Respondent-State.

CORAM : ANUJA PRABHUDESSAI, J.

DATED : 7th September, 2021.

P.C.

1. This is an Application under Section 439(2) Cr.PC. filed by the first informant for cancellation of bail granted to Respondent No.1 vide order dated 20.12.2016 in Sessions Case No.65 of 2016, passed by the learned Sessions Judge, Islampur..

2. Pursuant to the FIR lodged by the Applicant, Crime No.106 of 2016 was registered against the Respondent No.1. with Islamapur Police Station, Sangli, for the offence under Section 302 of IPC. Accusation against the Respondent No.1 is that on 28.05.2016, at about 8.45 a.m. the Respondent No.1 and the co-

accused assaulted Baqasaheb Jadhav with a sickle and thereby caused his death. No over act was attributed to the Respondent No.1. Considering the nature of accusation against the Respondent No.1 the learned Sessions Judge granted pre-arrest bail to the Respondent No.1

3. Learned Counsel for the Respondent No.1 has placed on record copy of the order dated 21.11.2017 wherein this Court (Coram A.S.Gadkari, J.) has granted bail to the Applicant who was involved in inflicting fatal injury.

4. The order of bail is not perverse. It does not suffer from infirmities. The Applicant has not misused the liberty and has not made any attempts to thwart the course of justise. No grounds are made out for cancellation of bail. Application has no merits and is accordingly dismissed.

(ANUJA PRABHUDESSAI, J.)