

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

CRIMINAL APPLICATION NO. 124 OF 2018

Prakash Sarjerao Deshmukh ... Applicant

Versus

The State of Maharashtra & Ors. ... Respondents

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Mr. Kuldeep U. Nikam, Advocate for the Applicant.

None for Respondent Nos. 2 to 5.

Mr. S. R. Agarkar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 25th AUGUST, 2021.

PER COURT:

1. This is an application for cancellation of bail. Respondent Nos. 2 to 5 had preferred applications for anticipatory bail before the Court of Sessions at Kalyan. The said respondents were apprehending arrest in connection with C.R. No. I – 465 of 2017 registered with Dombivali Police Station for offences under Sections 307, 325, 326, 323, 504 & 506 r/w Section 34 of Indian Penal Code (for short “IPC”).

2. Learned Additional Sessions Judge, Kalyan by order dated 23rd January, 2018, allowed the said application on a condition that they shall cooperate with investigating agency and

attend Dombivali Police Station on every Monday and Friday between 11 to 2 p.m. till end of February – 2018.

3. Learned counsel for the applicant submitted that the order granting anticipatory bail was erroneous. The applicant/complainant was assaulted by the respondents with the aid of wooden stick. The complainant managed to dodge the attack which had resulted into injury to his hand. Offence was registered under Section 307 of IPC. Further custodial interrogation was necessary.

4. Learned APP on instructions submitted that investigation was completed and the charge-sheet was filed. Respondent Nos. 2 to 5 were arrested and granted regular bail and the proceedings are pending before the concerned Court.

5. I have perused the impugned order and the First Information Report. Considering the fact that the respondents were granted anticipatory bail by assigning reasons and also the circumstance that subsequently charge-sheet was filed on completing investigation and the respondents were granted bail. The interference in the impugned order of anticipatory bail is not warranted and the application deserves to be rejected.

ORDER

Criminal Application No.124 of 2018 is rejected and stands disposed of accordingly;

(PRAKASH D. NAIK, J.)