

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

CRIMINAL APPLICATION NO. 201 OF 2017

Priyanka Nagesh @ Dada Londhe	 Applicant
v/s.	
The State of Maharashtra and anr.	 Respondents

Mr. Ghansham S. Jadhav for the Applicant.
Mr. S.V. Gavand, APP for the State.
Mr. C.K. Pendse for Respondent No.2.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 14th SEPTEMBER, 2021.

P. C. :-

. This is an Application under Section 439(2) of Cr.P.C. filed by the aforesaid Applicant for cancellation of bail granted by order dated 09/03/2017 in Sessions Case No.67/2016. By the said order, the learned Additional Sessions Judge, Pune allowed the Application under Section 439 of Cr.P.C. filed by the Respondent No.2 and released him on bail on terms and conditions specified in the order. The first informant has sought cancellation of bail mainly on the ground that the order is ex-facie illegal and incorrect.

2. Heard learned counsel for the Appellant, learned APP for the

State and learned counsel for Respondent No.2. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. Pursuant to the first information lodged by the Applicant with Loni Kalbhor Police Station, C.R.No.568/2016 was registered against the Respondent No.2 and the other co-accused for offences under Sections 143, 147, 148, 149, 302, 341, 120(b) r/w. 34, 201 of the Indian Penal Code, under Sections 3(25) of Arms Act, under Sections 37(1)135 of Bombay Police Act and under Sections 3(2)(5) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. The main accused Pritam Shitode has been released on bail by the Division Bench of this Court by order dated 07/08/2018 in Criminal Application No.730/2017 in Criminal Appeal No.356/2017. The role attributed by the present Applicant is that he along with the other co-accused – Pritam Shitole and others had dinner in a hotel. The learned Sessions Judge has ordered to release the Applicant on bail taking into consideration the role attributed to the Respondent No.2. It is stated that the investigation is completed and charge sheet has

been filed and that the matter is pending for framing of the charge. The Respondent No.2 has not misused his liberty while he was on bail. The order is neither perverse nor suffers from infirmity. No grounds are made out for cancellation of bail. Hence, the Application is dismissed.

**PREETI
H JAYANI**

(SMT. ANUJA PRABHUDESSAI, J.)

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PREETI H JAYANI
Date: 2021.09.15
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