

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APPLN) NO. 5/2021

(Sachin Ramesh Sawarkar Vs. State of Maharashtra & ors.)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri P. W. Mirza, Advocate for applicant.
Shri A. M. Kadukar, APP for non-applicant No. 1/State.
Shri S. S. Dhengale, Advocate for non-applicant No. 2.

CORAM : VINAY JOSHI, J.

DATE : 15.09.2021.

Heard.

2. This is an informant's application seeking for cancellation of bail in terms of Section 439(2) of the Code of Criminal Procedure. The non-applicant Nos. 2 and 3 have applied to the Court of Sessions for grant of pre-arrest bail in Crime No. 775/2020 for the offence punishable under Sections 354, 294, 323, 506 read with Section 34 of the Indian Penal Code. After hearing both sides, the Trial Court was pleased to grant pre-arrest protection vide order dated 09.09.2020.

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3. Cancellation is sought on the ground of suppression of facts and on merits as well. It is not the applicant's case that after grant of protection, there was misuse of liberty.

4. Learned counsel for the applicant submitted that in bail application before the Sessions Court, accused have skillfully made a statement that they have not been convicted in past. It is argued that though there were antecedents, it was suppressed by making such misstatement. It is pointed out that one offence was registered against Nitin in which he was acquitted. However, four offences under Section 135 of the Bombay Police Act and one offence under Sections 143 and 341 was registered against the non-applicant Mangesh which were suppressed. In-fact, the statement made in bail application that they were not convicted is factually correct. It reveals that the State has not pointed antecedents of the non-applicant Nos. 2 and 3 before the Trial Court. Any how considering

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nature of antecedents, they have no impact on the decision rendered by the Trial Court.

5. On merits, I have gone through the contents of the First Information Report (FIR) and the reasons assigned by the Trial Court. It is a case wherein accused allegedly slapped the informant and outraged modesty of his wife. The Trial Court did not assign the reasons in so many words, but no fault can be found in the conclusion drawn by the Trial Court. Having regard to the nature of accusation, the order of the Trial Court cannot be faulted with. Moreover, in absence of allegation of misuse of liberty, there is no propriety in cancelling the interim protection which was granted prior to one years. Having regard to these facts, no case is made out for cancellation of bail.

6. In view of above, application stands rejected and disposed of.

JUDGE