

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

CRIMINAL APPLICATION (APPLN) NO.56 OF 2019

(Darasing s/o Manohar Dadmal Vs. The State of Maharashtra thr. PSO PS Bhiwapur,
Dist. Nagpur and others)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. S.N. Nandeshwar, Advocate for Applicant.
Mr. M.K. Pathan, APP for Non-Applicant 1/State.
Mr. Parag Bezalwar, Advocate for Non-Applicants 2 & 3.

CORAM: ROHIT B. DEO, J.

DATE: 27th JANUARY, 2021.

The applicant who is the brother of the woman who was allegedly murdered in cold blood is seeking cancellation of bail granted to non-applicant 2 – Sachin Gharat and non-applicant 3 – Sunil Dhone in Crime 288/2019 registered with Police Station Bhiwapur for offence punishable under Sections 302, 201 read with Section 34 of the Indian Penal Code.

2. The submission is two fold.

3. The first submission is that the bail order is secured by suppressing from the learned Sessions Judge that the non-applicant 2 – Sachin Gharat has criminal antecedents. The applicant points out that Sachin Gharat is already convicted in Crime 79/2009 and is sentenced to imprisonment for five years and the appeal is pending. Sachin Gharat was facing prosecution under the Bombay Prohibition Act, which also was not disclosed.

4. The other submission is that the conditions of bail are breached, the liberty is misused since the witnesses are threatened.

5. It does appear that neither Sachin Gharat nor the prosecution disclosed that Sachin Gharat is a convict and the appeal is pending.

6. However, these aspects can be looked into by the learned Sessions Judge. Cancellation of bail is sought on the ground of fraud and breach of conditions. There is no impediment in the learned Sessions Judge, who granted the bail, considering the said grounds.

7. In so far as non-applicant 3 – Sunil Dhone, is concerned, there does not appear to be any material to suggest that he too had criminal antecedents.

8. This application is disposed of with the direction that if the applicant herein prefers an appropriate application seeking cancellation of bail the learned Sessions Judge shall decide the same within seven days from the date of filing. It is made clear that there is no *prima facie* ground to cancel the bail granted to Sunil Dhone.

JUDGE