

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

APPLICATION FOR CANCELLATION OF BAIL NO.10 OF 2020

PUNAMSING S/O. DAGDUSING CHUNGDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicant : Mr. Jaware Vishnu M.
APP for Respondent/State : Mr. K.S. Patil

...
CORAM : S.G. MEHARE, J.

DATED : 30th SEPTEMBER, 2022

PER COURT:-

1. All the respondents no.3 to 11 have been served but nobody appeared. The application is pending since 2020. It appears that respondent nos.3 to 11 have no interest. Hence, the matter is proceeded in their absence.
2. Heard learned counsel for the applicant and learned APP for the State. The State is a formal party.
3. The applicant's counsel would submit that the complainant is in possession of the land in dispute. The 7/12 extract is also in his name. However, the learned Sessions Judge did not consider the 7/12 extract placed on record and erroneously granted the anticipatory bail.
4. Perused the order passed by the learned Sessions Judge dated 17.12.2019. It is not in dispute that a civil suit has been filed by respondent-Krishna and it was pending. Learned counsel for the

applicant also fairly submits that the said suit is pending. The gist of his argument is that the present applicant is also in possession of the suit land. Therefore, the protection ought not to have been granted to the respondents.

5. The investigating officer has produced the material before the Sessions Court to believe that the respondent-Krishna was in possession of the land in question. It appears that the learned Sessions Court has considered the material produced before it and a conscious order has been passed. There is nothing on record to show that the order passed by the learned Sessions Court granting anticipatory bail is perverse or arbitrary. Hence, there is no substance in the application. Therefore, the application stands dismissed.

(S.G. MEHARE, J.)