

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

926 APPLICATION FOR CANCELLATION OF BAIL NO.23 OF 2022

DADASAHEB SHABU SOMASE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mrs. Jayashree T. Ghorpade (Nawale), Advocate for the applicant

Mr. A.M. Phule, APP for the respondent No.1

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 10th FEBRUARY, 2022

PER COURT :

1 Present application has been filed under Section 439(2) of the Code of Criminal Procedure, 1973 for cancellation of bail of respondent No.2.

2 Heard learned Advocate Mrs. Jayashree T. Ghorpade (Nawale) for the applicant and learned APP Mr. A.M. Phule for the respondent No.1. It is not even necessary that notice should be issued to respondent No.2.

3 Perusal of the First Information Report would show that the informant was not present when the alleged theft has taken place. Still with assertion he has made statement that the respondent No.2 had stolen the

articles. Learned Additional Sessions Judge Vaijapur, Dist. Aurangabad has granted anticipatory bail to the respondent No.2 on 07.01.2022 in Bail Application No.341/2021. Reasons stated in paragraph Nos.6 and 7 are sufficient enough to show that the learned Additional Sessions Judge had applied his mind to the facts and documents, those were produced before him. When the decision has been taken on merits considering all the documents, there is absolutely no necessity to set aside that order.

4 The learned Advocate appearing for the applicant submits that after the release of the respondent No.2 on bail he had threatened the applicant. Except the statement there is nothing that has been produced on record, so also, that may amount to breach of condition, for which the applicant should approach the said Court and not directly to the High Court. As regards the merits of the case are concerned, when liberty is granted, then it need not be curtailed on some flimsy ground. There is no merit in the application. It deserves to be rejected. Accordingly it is rejected.

(Smt. Vibha Kankanwadi, J.)