

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

**27 APPLICATION FOR CANCELLATION OF BAIL NO.42 OF 2018**

THE STATE OF MAHARASHTRA  
*VERSUS*  
TAHER MAINODDIN HUSSAIN SAYYED

...  
APP for Applicant/State: Mr. V. M. Kagne.  
Advocate for Respondent : Mr. Sachin S. Panale.  
...

CORAM : **SARANG V. KOTWAL, J.**  
DATE : 06<sup>th</sup> June, 2022.

**PER COURT:**

. This is an application for setting aside the order dated 6<sup>th</sup> January, 2018 passed by the learned Additional Sessions Judge, Udgir, District Latur below Exhibit-1 in Criminal M.A. (Bail) No.157 of 2017. Vide the impugned order, the respondent was granted per-arrest bail in connection with C.R. No.185 of 2017, registered with Udgir City Police Station.

2 Initially, the FIR was lodged under Sections 153-A(1) and 188 of the Indian Penal Code. Subsequently, Section 124-A of the Indian Penal Code was also added.

3           The allegations are in respect of the speech given by the respondent on 15<sup>th</sup> April, 2017, which according to the prosecution case, fell within with purview of these offences.

4           Learned APP in support of this application, submitted that the offence is very serious and though at the time of passing of the impugned order Section 124-A of the Indian Penal Code was already added and it was brought to the notice of the learned Judge, there is no reasoning given in respect of that particular aspect in the impugned order. He, therefore, submitted that the order suffers from the vice of non application of mind and deserves to be set aside.

5           Learned counsel for the respondent brought to my notice the order dated 27<sup>th</sup> May, 2022 passed by this Court in Criminal Revision Application No.111 of 2021. The respondent had challenged the order framing charge against him by the Trial Court. Various aspects were considered and ultimately this Court (Coram: M.G. Sewlikar, J.) held that though the offence under Section 153-A was made out, the offence under Section 124-A was not made out from the facts of the case and the applicant was discharged from Section 124-A of the Indian Penal Code. Learned counsel for respondent, therefore, submitted that considering this subsequent development there is no propriety in assailing the impugned order on that basis.

6 I have considered these submissions. As far as the exact speech is concerned, it is considered by this Court (Coram: M.G. Sewlikar, J.) in the order dated 27<sup>th</sup> May, 2022 (supra). It was held that Section 124-A of the Indian Penal Code is not applicable. In this view of the matter, after about more than 4 years from the date of the impugned order and 4 and ½ years after the incident, it would not be proper to cancel the bail granted to the respondent. Nothing is put on record to show that there was any other offence registered against the respondent in the meantime. In this view of the matter, it is not necessary to interfere with the impugned order. Hence, this application is dismissed.

[ SARANG V. KOTWAL, J. ]

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