

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR CANCELLATION OF BAIL NO.60 OF 2022

Parmeshwar s/o. Vitthal Korde,
Age 21 years, Occu. Agriculture,
R/o. Wadwali, Taluka Paithan,
District Aurangabad

.. Applicant

Versus

1. Mahadeo s/o. Vinayak Maidal,
Age 30 years, Occu. Agriculture,
R/o. Wadwali, Taluka Paithan,
District Aurangabad.

2. The State of Maharashtra
through the Police Station Officer,
Paithan Police Station, Taluka Paithan,
District Aurangabad

.. Respondents

Mr. Vishnu Y. Patil, Advocate for Applicant;
Mr. C. V. Bodkhe, Mr. R. V. Gore, Advocates for Respondent No.1;
Ms. V. S. Choudhari, A.P.P. for Respondent No.2

CORAM : S. G. MEHARE, J.

DATE : 24-11-2022

PER COURT :-

1. Heard the learned counsel for the applicant, the learned counsel for the respondent No.1 and the learned A.P.P. for the respondent No.2/State.

2. The learned counsel for the applicant has vehemently argued that the applicant has threatened the witnesses. There is direct evidence against the applicant. The learned Sessions Court did not consider the evidence available on record. Without considering the material, the learned Sessions Court has granted the bail to the respondent. The order passed by the learned Sessions Court is perverse and arbitrary. The offence is serious. Hence, the order granting bail may be cancelled under Section 439(2) of the Code of Criminal Procedure.

3. Per contra, the learned counsel for the respondent No.1/accused would submit that initially the missing report was given. The first informant did not express suspicion about applicant. Very weak piece of evidence was collected against the applicant. The learned Sessions Judge has considered the material collected by the Investigating Officer and also the submissions of the first informant. The order impugned before the Court is well reasoned and legally correct. The false allegations have been levelled against the applicant that he has threatened the witnesses.

4. Perused the papers and the impugned order. In order to seek cancellation of the bail, the applicant has to satisfy the Court that the order impugned is perverse, arbitrary or without considering the material before the Court. After having gone through the impugned order, it appears that the learned Additional

Sessions Judge has considered the submissions made for and on behalf of the present applicant. In his arguments, he did not raise the objection that the respondent/accused threatened the witnesses. The learned Sessions Court has considered the entire material available on record and formed the opinion that the custody of the respondent/accused was not required.

5. Considering the reasons given by the learned Additional Sessions Judge, it appears that those were based upon the facts and the documents produced and placed before the Court. The learned Additional Sessions Judge has considered the settled principles of law on granting bail. There is no error of law on the face of the impugned order. The impugned order is neither arbitrary nor perverse. Hence, for want of any substance, the application stands dismissed.

**(S. G. MEHARE)
JUDGE**

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