

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

CRIMINAL WRIT PETITION NO. 724 OF 2019

Jyoti Manoj Tambat	... Petitioner
Versus	
Makrand Madhavrao Kulkarni and another	... Respondents

....

Mr. Swapnil S. Patil, Advocate for petitioner
Mr. S. P. Sonpawale, APP for respondent No.2

....

CORAM : R. G. AVACHAT, J.

DATED : 28th FEBRUARY, 2022

PER COURT :-

Heard.

2. The challenge in this petition is to the order dated 09.04.2019, rejecting the application for rejection of bail granted to respondent No.1 herein in CR No.0012/2018.

3. After having heard the learned Advocate for the petitioner and going through the order impugned herein, this Court finds no reason to interfere with the impugned order. It, however, appears that the learned Judge in paras 10 and 11 of the impugned order has made some observations, which need to be

expunged. According to the learned Advocate for the petitioner, the Court has observed that the petitioner is in habit of lodging complaints against the respondent No.1, so is not a fact. Two crimes have been registered against respondent No.1 at the instance of the petitioner. The learned Advocate makes a statement that the petitioner herein has not lodged any First Information Report against any other person. It has to be observed that each criminal case has to be decided on its own merits considering the facts and circumstances appearing therein.

4. In view of the same, the observations made in para 10 i.e. “The record shows that the husband of the petitioner and the petitioner have lodged complaints against the respondent No.1 with different authorities i.e. with MSEDCL and Municipal corporation Aurangabad for committing illegal activities.” and the matter appearing in para 11, “It prima facie appears that there is long standing enmity in between the petitioner and the respondent no.1. It further appears to me that as the respondent no.1 is in politics, the petitioner and her husband are filing different types of cases against him.”, stand expunged for want of any material in support thereof before the learned Judge.

5. The petition is disposed of.
6. The trial Court is expected to decide the case (R.C.C. No.648/2018) as expeditiously as possible, preferably within a period of one year from the date of receipt of copy of this order.

[R. G. AVACHAT, J.]

SMS