

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

**36 APPLICATION FOR CANCELLATION OF BAIL NO.122 OF
2021**

JAHIRATIBAI W/O. JAYPHULYA PAWAR
VERSUS
SHIVA MAHADU PAWAR AND ANR

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Advocate for Applicant : Mr. Ingle Kachru A.
APP for Respondent-State : Mr. K. S. Patil.
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CORAM : S. G. MEHARE, J.
DATE : 17.10.2022

PER COURT :-

1. Heard the learned counsel for the applicant.
2. The applicant has filed an application for cancellation of bail granted to respondent No.1 by the learned Additional Sessions Judge, Vaijapur, District Aurangabad. He would argue that the learned Sessions Court granted the bail at the very initial stage observing that there were no eye witnesses to the incident. No incriminating material was recovered from the accused to make his involvement in the alleged incident of murder of deceased Kalyan. The informant appears to have suspicion about the present applicant.
3. In view of the above fact, the learned Sessions Court granted bail to respondent No.1. The law is well settled that

the bail under Section 439(2) of Cr.P.C. may be cancelled, if the Sessions Court granted the bail without considering the material and it is perverse and arbitrary. Considering the settled position of law, the applicant has no material that the learned Sessions Judge while granting the bail did not consider the material before it. The order appears to have been passed after going through the material produced by the prosecution and the contents of the FIR. Therefore, this Court is of the view that the order passed by the learned Sessions Judge in the bail application challenged before the Court is neither arbitrary nor perverse. The application is devoid of merit. Hence, the application stands dismissed.

(S. G. MEHARE, J.)

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vmk/-