

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR CANCELLATION OF BAIL
NO.97 OF 2020

Prabhakar S/o Vinayak Patil

...APPLICANT

VERSUS

1) The State of Maharashtra,

2) Rajendra Lahu Patil,

3) Rahul Bhagwan Pawar

...RESPONDENTS

...
Mr.Hemraj P. Kshirsgar Advocate for Applicant.
Mr.V.M. Kagne, A.P.P. for Respondent No.1 - State.
Mr.B.R. Waramaa Advocate for Respondent Nos.2 and 3.
...

CORAM: SMT. VIBHA KANKANWADI, J.

DATE : 17th FEBRUARY, 2022

ORDER :

1. Present applicant is the original informant, who seeks cancellation of bail under Section 439(2) with Section 482 of the Code of Criminal Procedure and thereby he is challenging the order passed by the learned Additional Sessions Judge, Amalner in Criminal Bail Application No.193 of 2020 dated 10th July 2020,

thereby granting bail under Section 439 of the Code of Criminal Procedure to respondent Nos. 2 and 3.

2. Heard learned Advocate Mr. Kshirsagar for the applicant, learned APP Mr. Kagne for respondent No.1 – State and learned Advocate Mr. Waramaa for respondent Nos.2 and 3. In order to cut short, it can be stated that both the sides have made submissions in support of their respective contentions.

3. It is to be noted that the present applicant / original informant lodged First Information Report vide Crime No.14 of 2020 with Marwad Police Station, District-Jalgaon for the offence punishable under Sections 324, 325, 326, 143, 147, 148,149, 504, 506, 427 of the Indian Penal Code, on 16th March 2020. Respondent Nos. 2 and 3 were posed as accused Nos. 2 and 3. They came to be arrested and were released on bail by the learned Additional Sessions Judge, Amalner under Section 439 of the Code of Criminal Procedure on 10th July 2020. It is also to be noted that the present applicant had filed the application for assisting APP before the said Court and the submissions made on behalf of the present applicant were heard by that Court.

4. The medical certificate in respect of injuries allegedly sustained by the applicant were perused by the concerned Court,

which showed that the applicant had sustained blunt trauma on head, back, neck and hands. So also there was contused lacerated wound over parietal region and fracture to right tibia. Out of the said injuries, fracture to tibia was the only grievous injury. No doubt, when respondent Nos. 2 and 3 had earlier approached this Court under Section 438 of the Code of Criminal Procedure, their Application was withdrawn.

5. It was stated in the First Information Report that respondent Nos. 2 and 3 had assaulted the informant by wooden stick. It is to be noted that after the arrest of respondent Nos. 2 and 3, investigation was carried out and for the injuries those were noted in the medical certificate, there could not have been jail to them for indefinite period. This fact was considered by the learned Additional Sessions Judge and therefore the discretion was granted. No fault can be found in the said order. No case is made out for revoking the liberty granted under the bail to respondent Nos. 2 and 3.

6. Application stands rejected.

[SMT. VIBHA KANKANWADI , J.]