

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

916 APPLICATION FOR CANCELLATION OF BAIL NO.162 OF 2021

CHATRABAI BABASAHEB WAGHMODE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Deshmukh H.D.
APP for Respondent No.1-State : Mr. N. T. Bhagat
...

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 15-02-2022.

ORDER :

1. The present application has been filed under Section 439 (2) of Cr.P.C. by the original informant for cancellation of bail granted to respondent No.2 in Sessions Case No.47 of 2021.
2. Heard learned Advocate Mr. H. D. Deshmukh for applicant and learned APP Mr. N. T. Bhagat for respondent No.1-State.
3. It is to be noted that learned Additional Sessions Judge, Ahmednagar, granted bail under Section 439 of Cr.P.C. to respondent No.2 on 20-08-2021. When the application Exhibit 11 was filed in Sessions Case No.47 of 2021, it was contended in the application that respondent No.2/original accused came to be arrested on 18-06-2021 and he was in police custody till 24-06-2021. Thereafter, he was in Magisterial custody, and as aforesaid, he has been released on regular bail on 20-08-2021.
4. It has been tried to be submitted on behalf of the informant that the injuries those were received by him were very much grievous, and therefore, he could not lodge the report immediately, yet the bail has

been granted on the count of there is delay of two days.

5. From the contents of the impugned order it can be seen that it is not one of the grounds which permitted the learned Additional Sessions Judge to grant bail to the accused, but it has also been noted that the accused has undergone the police custody, and thereafter, nothing was required to be recovered from him. No doubt it may be a fact that the informant has received severe injury, but then that cannot be the sole criteria to keep the accused behind bar for indefinite period. The investigation was complete, charge-sheet was filed before the learned Magistrate, and thereafter, the learned Magistrate had committed the case to Court of Sessions.

6. Taking into consideration the fact that it would take long time to stand the trial, the bail appears to have been granted. No fault can be found with the impugned order. No case is made out to cancel the said bail. Hence, application stands rejected at the threshold without even issuing the notice to respondent No.2. Application stands disposed of.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-