

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

922 APPLICATION FOR CANCELLATION OF BAIL NO.179 OF 2021

ANAND PANDHARI WAKODE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. P.S. Mantri, Advocate for the applicant

Mr. B.V. Virdhe, APP for the respondent No.1

Mr. G.J. Kore, Advocate for respondent Nos.2 to 5

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 24th FEBRUARY, 2022

ORDER :

1 Present application has been filed under Section 439(2) of the Code of Criminal Procedure, 1973 by the original informant for cancellation of bail granted to respondent Nos.2 to 5 by learned Additional Sessions Judge, Omerga, Dist. Osmanabad in Criminal Bail Application No.92/2021 by order dated 17.07.2021, in connection with Crime No.356/2021 dated 01.07.2021 registered with Police Station, Omerga, Dist. Osmanabad, for the offence punishable under Section 143, 147, 148, 149, 307 of the Indian Penal Code, 1860.

2 Heard learned Advocate Mr. P.S. Mantri for the applicant, learned APP Mr. B.V. Virdhe for the respondent No.1 and learned Advocate Mr. G.J. Kore for respondent Nos.2 to 5.

3 The First Information Report was lodged by the present applicant in respect of incident dated 30.06.2021. It has been stated that accused Krishna had tried to strangle him and then assaulted plastic pipe on his leg, accused Lakhan gave wooden stick blow on his leg causing him bleeding injury, accused Sonya Kamble is stated to have assaulted him by wire on his hand and leg and other persons had also assaulted him with sticks on his leg and back. Accused Manohar was instigating the others. It is then stated that when he was taking treatment at Sub District Hospital, Omerga, at that time his brother-in-law, father-in-law and cousin father-in-law also came there in injured condition and they were accompanied by the sister-in-law of the applicant (wife's sister). She told that when they heard that the informant was beaten, these persons had gone to that place and at that time about 10 accused persons had assaulted father-in-law, brother-in-law and cousin father-in-law by sticks and plastic pipes. His brother-in-law and others were referred to Civil Hospital, Latur. According to him, the assault on him as well as his brother-in-law was to kill him. Now, the investigation is over and charge sheet has been filed on 01.07.2021. It is to be noted that the present

respondent Nos.2 to 5 are shown as accused Nos.6, 7, 10 and 11. The Investigating Officer had not even cared to arrest them, even after the anticipatory bail was granted to those persons. If the Investigating Officer had not felt that there is necessity to arrest these accused persons, then, the informant has less scope to say that the bail granted to these persons should be cancelled. The role attributed to them in the First Information Report would attribute simple injuries and when the weapons allegedly used by them appears to have been seized from the spot, there is no question of cancellation of the bail of the respondent Nos.2 to 5. Application stands rejected.

(Smt. Vibha Kankanwadi, J.)

agd