

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

APPLICATION FOR CANCELLATION OF BAIL NO.225 OF 2022

**VILAS ROHIDAS JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Mr. Sanjay A. Wakure, Advocate for Applicant
Mr. V. S. Badakh, APP for Respondent – State
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 16th DECEMBER, 2022

PER COURT :

1. By this application filed under Section 439(2) of the Code of Criminal Procedure, applicant seeks cancellation of anticipatory bail granted to respondent Nos. 2 and 3, by the Sessions Court vide order dated 27/09/2022.
2. Applicant lodged FIR on 03/09/2022 against four accused persons, which is registered at Crime No.0138/2022, with Tamalwadi Police Station, Osmanabad, for offence punishable under Sections 307, 324, 323, 504 read with 34 of the Indian Penal Code.
3. Heard learned advocate for applicant and learned Additional Public Prosecutor for respondent – State.
4. Perusal of FIR shows that accused No.1 has assaulted informant with sickle and accused No.2 used stick to assault

informant. So far as respondent Nos. 2 and 3 are concerned, they allegedly caught hold of informant and facilitated assault of accused Nos. 1 and 2. It is further alleged that respondent Nos. 2 and 3 used kick and fist blows to assault informant.

5. Learned advocate for applicant submitted that there are criminal antecedents against respondent Nos. 2 and 3 as they are added as accused in C.R. No.76/2016, registered with same police station, for offences punishable under Sections 143, 147, 148, 149, 326, 323, 324, 504 and 506 of the Indian Penal Code. Perusal of the said FIR shows that there are 12 accused persons in the said crime and respondent Nos. 2 and 3 are accused Nos. 1 and 4.

6. That by itself cannot be a ground to cancel the anticipatory bail. Taking into consideration role attributed to respondent Nos. 2 and 3, Sessions Court has rightly used discretion in favour of respondent Nos. 2 and 3. Also, the Sessions Court has given proper reasons while granting anticipatory bail. No case is made out by the applicant. Application is, therefore, dismissed.

(NITIN B. SURYAWANSHI, J.)