

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

**APPLICATION FOR CANCELLATION OF BAIL NO.233 OF 2022
WITH
APPLICATION FOR CANCELLATION OF BAIL NO.234 OF 2022**

**BHUSHANRAJ DEORAJ MUKHATE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Mr. Swapnil Joshi, Advocate i/b J.P. Legal Associates for
Applicant
Mr. A. V. Deshmukh, APP for Respondents – State
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 16th DECEMBER, 2022

PER COURT :

1. Both these applications are filed seeking cancellation of anticipatory bail granted to respondent Nos. 2 and 3 by the Sessions Court in Crime No.774/2022, vide order dated 12/10/2022.
2. Heard learned advocate for applicant and learned Additional Public Prosecutor for respondents – State.
3. Learned advocate for applicant strenuously submits that Sessions Court has committed error in granting anticipatory bail to the respondents when documents necessary for investigation are yet to be recovered. In that view of the matter, Sessions Court ought not to have granted anticipatory bail to respondent Nos. 2 and 3.

4. Perusal of the FIR and order passed by Sessions Court shows that *prima facie* allegations made in the FIR are of civil nature. Admittedly, civil dispute is pending between informant and respondents. Possibility of giving criminal colour to civil dispute cannot be overruled.

5. Sessions Court has given cogent reasons while allowing the application of respondent Nos. 2 and 3 and has rightly exercised discretion in favour of respondent Nos. 2 and 3. No case is made out by the applicant. Applications are, therefore, dismissed.

(NITIN B. SURYAWANSHI, J.)