

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPLN) NO.18 OF 2021

Shri Anand S/o Vishwanathprasad Shrivastava

Versus

State of Maharashtra, through P.S.O., P.S. Kotwali, Dist. Nagpur

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.D. Deoras, Advocate for the applicant.

Shri M.J. Khan, A.P.P. for the non-applicant No.1/State.

Shri R.S. Mirza, Advocate for the non-applicant No.2.

CORAM : ANIL S. KILOR, J.

DATED : 16/03/2022

1. This is an application moved by the applicant for cancellation of bail on the ground that the learned trial Court while granting regular bail to the non-applicant No.2, has recorded a finding which is contrary to the record. The said finding is as follows:

“Prima facie it is seen that the complainant was present on the date of execution of sale deed before Sub-Registrar.”

2. After going through the order dated 04.01.2021, passed below Exh.1 by the learned District Judge-10 and ASJ, Nagpur, granting anticipatory bail, it appears that the learned trial Court weighed with the following consideration while granting bail, which reads thus:

“The dispute between the parties is of civil nature. From the case diary it is seen that investigation is almost completed. Custodial interrogation of accused is not necessary. There is no possibility of accused

fleeing from justice. The accused is ready to abide conditions of bail. The learned Adv. appearing for accused also made statement that his client will not create third party interest in the land in question. Pursis to that effect is filed on record by the advocate for applicant. In such circumstances, the accused can be enlarged on bail on certain conditions.”

3. Thus, it is clear that the bail was not granted, considering the fact that the complainant was present on the date of execution of the sale deed before Sub-Registrar, but the consideration were as referred above.

4. In this circumstances, as no ground is pointed out as permissible for cancellation of bail and as observed by the Hon'ble Supreme Court of India in case of *Puran Vs. Rambilas and another reported in (2001) 6 SCC 338*, I am of the opinion that the present application needs to be rejected.

Accordingly, the application is **rejected**.

[ANIL S. KILOR, J.]