

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

CRIMINAL APPEAL NO. 171/2020

Ganesh Baburao Sonone Vs State of Maha., thr. P.S.O., PS Khamgaon City and another.

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

Court's or Judge's Order

Shri A.D.Bhate, counsel for the Appellant.

Shri S.A.Ashirgade, APP for the Respondent No.1.

Ms Naina Dhoke, counsel for Respondent No.2.

CORAM : ANIL S. KILOR, J.

DATED : 19/04/2022.

1. This is an appeal arising out of the order dated 03/03/2020 passed by the Special Judge, Khamgaon, District Buldhana, rejecting the application for grant of regular bail filed under Section 439 of the Code of Criminal Procedure in connection with Crime No. 92/2020 registered with the Police Station Khamgaon City, for the offence punishable under Sections 324, 506 of the Indian Penal Code and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short the "the Atrocities Act").

2. This Court vide order dated 20/03/2020, granted ad-interim bail to the appellant, and since then he is on bail and there is no complaint about abuse of concession. The learned trial Court rejected the bail application of the applicant, only on

the ground that there is a possibility of the accused threatening, pressurizing and tampering the prosecution witness. However, in absence of any such complaint or breach of condition during the period, the appellant is on bail, I am of the opinion that the ground stated in the impugned order does not survive.

3. In the present case, the charge-sheet has already been filed and the custody of the applicant is no more required for investigation. In that view of the matter, I am of the opinion that the present appeal needs to be allowed. Accordingly, I pass the following order;

- a] The order dated 03/03/2020, passed by the Special Judge, Khamgaon, District Buldana in Regular Bail Application No. 80/2020, is hereby quashed and set aside.
- b] The order dated 20/03/2020, granting ad-interim bail to the applicant is confirmed.

[JUDGE]

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