

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

Criminal Application (APPLN) No. 37 of 2020

Sandip S/o Sudam Lambhade

Versus

The State of Maharashtra, through its Police Station Officer, Police Station
Ansing, Dist. Washim

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

Court's or Judge's Order

Shri Tejas Deshpande, Advocate and Shri Alpesh
Deshmukh, Advocate for the applicant.

Ms Mrunal Barbde, APP for the State / Non-applicant
Shri P.M.Pande, Advocate for the non-applicant nos. 2
and 3.

CORAM : ANIL S. KILOR, J.

DATED : 30th JUNE, 2022.

This is an application for cancellation of bail granted to the non-applicant nos. 2 and 3 by the learned Additional Sessions Judge, Washim in M.C.A. No. 308 of 2020 in connection with Crime No.0224 of 2020 for the offences punishable under Sections 147, 148, 149, 307, 323, 504, 506 of the Indian Penal Code and Sections 4 and 25 of the Arms Act, 1959 registered with Police Station Ansing, Dist. Washim.

2. Shri Deshpande, learned counsel for the applicant submits that the learned trial Court has not considered the necessary aspects which ought to have considered while granting bail. He submits that learned trial Court has failed to appreciate the seriousness of the offence and severity of punishment. Thus, he submits that on irrelevant consideration, the bail was granted. Accordingly, he prays for cancellation of bail granted to the non-applicant nos. 2 and 3.

3. Learned Additional Public Prosecutor supports the case of the applicant and reiterates the submission of the learned counsel for the applicant.

4. Shri Pande, learned counsel for the non-applicant nos. 2 and 3, strongly opposed the application and submits that the chargesheet has been filed after completion of investigation, thus, the custody of the non-applicant nos. 2 and 3, is not necessary.

5. Shri Pande, learned counsel for the non-applicant nos. 2 and 3 further points out that there are no overwhelming circumstances in this case and there is no complaint about the abuse of concession. He therefore submits that no fault is committed by the learned trial Court in granting bail to the non-applicant nos. 2 and 3.

6. I have perused the record and also the order of granting bail by the learned Additional Sessions Judge, Washim.

7. In this case the offence was registered under Sections 147, 148, 149, 307, 323, 504, 506 of the Indian Penal Code and Sections 4 and 25 of the Arms Act, 1959.

8. The chargesheet has already been filed after completion of investigation. Though some findings were not recorded properly by the learned trial Court while granting bail to the non-applicant nos. 2 and 3, however, the ultimate conclusion arrived while granting bail to the non-applicant nos. 2 and 3, is sustainable in the eyes of law.

9. As the investigation is completed and no further custody of the non-applicant nos. 2 and 3 is required, moreover, as the ultimate conclusion while granting bail to the non-applicant nos. 2 and 3 is sustainable in the eyes of law, I do not find any ground for cancellation of bail. Hence, the application is rejected.

[ANIL S. KILOR, J.]

Digitally signed
by
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