

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

CRIMINAL APPLICATION (APPLN) NO.89 OF 2021

Nilesh S/o Ambadas Jadhav

Versus

State of Maharashtra, through P.S.O., P.S. Paratwada, Dist. Amravati 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.P. Thakare, Advocate for the applicant.

Shri S.D. Sirpurkar, A.P.P. for the non-applicant No.1/State.

Shri P.R. Agrawal, Advocate for the non-applicant No.2.

CORAM : ANIL S. KILOR, J.

DATED : 23/03/2022

1. This is an application filed under Section 439(2) of the Code of Criminal Procedure for cancellation of bail granted to the accused No.2, in First Information Report (FIR) No.80 of 2021.

2. The only ground argued by Shri A.P. Thakare, learned counsel for the applicant in this case for cancellation of bail, is that the charge-sheet was filed on 12.05.2021 and the application for grant of bail was filed on 26.05.2021, before this Court. However, without disclosing the fact that the charge-sheet was filed, the application was filed and without pointing out the statement of one witness Tejas Vijayrao Madghe and the bail order was obtained.

3. The learned counsel for the applicant has drawn attention of this Court to the statement of Tejas Vijayrao Madghe who has stated that the accused persons had confessed before him about the commission of crime, by calling him on his mobile. He further submits that the said fact is corroborated by CDR.

4. On the other hand, Shri Sirpurkar, learned APP submits that the submission of the applicant cannot be accepted that on the date of grant of bail, the fact of filing of charge-sheet was not pointed out, as the application was opposed by the learned APP who represented the State in the said Criminal Bail Application.

5. Shri P.R. Agrawal, learned counsel for the non-applicant No.2, draws attention to the findings recorded by this Court in order dated 06.07.2021 and submits that there was mention of extra-judicial confession and after considering the same, the bail was granted.

6. I have perused the record and also the order of granting bail to the non-applicant No.2, vide order dated 06.07.2021.

7. Para-6 of the order dated 06.07.2021, refers to the extra-judicial confession which the applicant is referring to while praying for cancellation of bail. Thus, it cannot

be said that the said statement was not pointed out or suppressed. This Court, while granting bail, has considered the case of the applicant in the said application and also after considering the contentions and submissions raised by the learned APP, had granted bail to the non-applicant No.2.

8. As the learned counsel for the applicant failed to substantiate the ground raised by him for cancellation of bail, I find no substance in the present application.

Accordingly, the application is **rejected**.

[ANIL S. KILOR, J.]