

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

APPLICATION FOR CANCELLATION OF BAIL NO.15 OF 2023

BANSI PEMA PAWAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Gandle Mahendra Panditrao.
APP for Respondent-State : Mr. S. B. Narwade.
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CORAM : S. G. MEHARE, J.
DATE : 01.02.2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. Perused the order granting bail. Learned counsel for the applicant would submit that the learned Judge granting bail did not consider the spot panchnama. The offence is serious. Respondent No.2 was not taken for custodial interrogation and directly sent to the Magisterial custody. After granting bail, respondent No.2 threatened the witnesses.
3. If the witnesses are threatened, it is a breach of the condition granting bail, for which, the remedy lies before the Court granting bail. As far as the observations granting bail are concerned, it appears that the entire material was

considered and it has been observed that *prima facie* there are no such allegations in the FIR as to ill-treat the deceased by the accused for dowry and fulfillment of any illegal demand. There were allegations that the accused used to torture the deceased for one or more reasons like cooking and work in agricultural field. The offence of murder has been deleted in the investigation of L.C.B., Beed. Considering the order granting bail, there appears no overwhelming circumstances to cancel the bail. It also does not appear that the Court granting bail has considered the inadmissible evidence and discarded the admissible material. The order granting bail is well reasoned and it is neither arbitrary nor perverse.

4. For the above reasons, the Court is of the view that the application has no force and accordingly the application stands dismissed at the admission stage.

(S. G. MEHARE, J.)

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vmk/-