

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR CANCELLATION OF BAIL NO.19 OF 2021

Jalindar Sakharam Magar Applicant

Versus

The State of Maharashtra
and others Respondents

.....

Ms. Pratiksha Kale, Advocate h/f Mrs. Suvidh S. Kulkarni,
Advocate for the Applicant
Mr. V.S. Badakh, APP for Respondent No.1 - State

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 30th JANUARY, 2023

ORDER :

1. By this application filed under section 439 (2) of the Code of Criminal Procedure, the applicant seeks cancellation of bail granted to respondent Nos.2 to 5 by the Additional Sessions Judge-5, Jalna in Crime No. 448 of 2020 registered with Ghansawanti Police Station, District Jalna for offences punishable under sections 307, 326, 143, 147, 148, 149, 109 of the Indian Penal Code.

2. The informant has lodged FIR against 6 accused persons including respondent Nos. 2 to 5, wherein allegations about assault by axe are made against accused Shyam Ghayal and Ram Ghayal. So far as the present applicants are

concerned, it is alleged that the applicants instigated accused Shyam and Ram to assault the informant.

4. Having heard the learned advocate for the applicant and the learned Additional Public Prosecutor for respondent No.1 - State, and on perusal of the documents placed on record, it is clear that respondent Nos. 2 to 5/original accused in the present application have not participated in the actual assault. Nothing is to be recovered from respondent Nos. 2 to 5/accused.

5. The Sessions Court after considering the papers of investigation and role attributed to the present respondent Nos. 2 to 5, has rightly granted anticipatory bail in their favour. No case is made out by the applicant to interfere in the reasoned order passed by the learned Sessions Court.

6. The application is, therefore, rejected.

[NITIN B. SURYAWANSHI]
JUDGE

S.P Rane