

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR CANCELLATION OF BAIL NO. 44 OF 2023

Samrat Suresh Sonwane

Applicant

Versus

The State of Maharashtra & others

Respondents

Mr. S. S. Jadhav, Advocate for the applicant.

Mr G. O. Wattamwar, APP for the State.

Mr. I. K. Wagh, Advocate holding for Mr. K. M. More, Advocate for respondents No. 2 and 3.

CORAM : R. M. JOSHI, J.

DATE : 15th SEPTEMBER, 2023.

PER COURT :

1. This application is filed for cancellation of bail granted by learned Additional Sessions Judge in Criminal Bail Application no. 71/2023.

2. It is the contention of learned counsel for the applicant/original informant that without considering the nature of injuries caused to the informant, anticipatory bail came to be granted. He further states that the allegation against the informant was that there was delay in lodging First Information Report as the informant was immediately admitted in the hospital. Thus,

according to him, for want of vital information, bail came to be allowed.

3. Perusal of the impugned order shows that it was contended on behalf of the accused that there is delay in lodging First Information Report. It further seems that time was granted to the prosecution to produce investigation papers however, since investigation papers were not produced before the Court, the Court proceeded to pass the order. It is thus clear that there was no opportunity for the informant to explain the so called delay caused in lodging First Information Report.

4. Since both these aspects were not taken into consideration by the learned Additional Sessions Judge at the time of passing of the impugned order, this Court does not think it appropriate to make any observation in this regard. Instead finds that this is fit case to remand the application back to the learned Additional Sessions Judge for reconsideration of the same afresh after giving opportunity of hearing to the applicant/original informant.

5. In view of this, impugned order is set aside. Protection granted to the contesting respondent to continue for a period of one month from today. Criminal Bail Application No. 79/2023 be decided within a month, on its own merits, without influenced by observations made above.

6. In view of above, application stands disposed of.

(R. M. JOSHI)
Judge

dyb