

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

**APPLICATION FOR CANCELLATION OF BAIL NO.124 OF 2021
WITH
APPLICATION FOR CANCELLATION OF BAIL NO.105 OF 2021**

**THE STATE OF MAHARASHTRA
VERSUS
PRADEEP S/O SITARAM TARKASE**

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Mr. V. S. Badakh, APP for Applicant
Mr. A. M. Gaikwad, Advocate for Respondent
Mrs. Ashwini Lomte, Advocate h/f Mr. S. J. Salunke, Advocate for
Respondent in ACB/105/2021

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 31st JANUARY, 2023

PER COURT :

1. Prosecution has filed both these applications under Section 439(2) of Cr.P.C., for cancellation of anticipatory bail granted to the accused Pradeep Sitaram Tarkase and regular bail granted to the accused Amol Laxman Poule, by learned Additional Sessions Judge, Ambajogai, vide orders dated 23/03/2021 and 30/03/2021.
2. Heard learned Additional Public Prosecutor for State and learned advocates for accused. Perused the investigation papers.
3. Charge-sheet is filed in the present crime on 16/05/2021 and the case is numbered as Sessions Case No.169/2021. For framing charge, the matter is kept on 16/02/2023.

4. Apart from the above, perusal of the impugned orders reveal that the Sessions Court has taken note of the statements recorded during the course of investigation and has observed that the eye witnesses do not implicate the respondents accused in the present crime. Their names are implicated in the supplementary statements recorded 08 days after the registration of FIR. Sessions Court has also raised doubt about the statement of witness who has stated that 02 days prior to the date of incident, he heard the present accused persons hatching conspiracy to kill the deceased. It is necessary to note here that bail is granted to the accused persons before filing of the charge-sheet.

5. In view of the filing of charge-sheet and since the case is posted for framing charge, it is not desirable to cancel the bail granted in favour of accused persons. Applications being devoid of merits, are rejected.

(NITIN B. SURYAWANSHI, J.)