

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

**955 APPLICATION FOR CANCELLATION OF BAIL NO.156 OF
2022**

THE STATE OF MAHARASHTRA
VERSUS
RAMCHANDRA MOHAN GADADE

...
APP for Applicant-State : Mr. S. P. Sonpawale.
Advocate for Respondent : Mr. Lavte Amar Vinayakrao.
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**CORAM : S. G. MEHARE, J.
DATE : 25.01 2023**

PER COURT :-

1. Heard the learned APP for the applicant/State and learned counsel for the respondent/accused.
2. It is the case of murder rests upon the circumstantial evidence. The applicant was arrested on the statement of witness, who saw the applicant lastly in the company of the deceased. Learned APP vehemently argued that the Court granting bail did not consider the material fact and the evidence of last seen together. The gravity of the offence has also been ignored. There was a strong evidence based on the circumstances against the applicant. Therefore, the impugned

order granting bail is perverse and arbitrary. The application may be allowed and the order granting bail to the applicant be cancelled.

3. Per contra, the learned counsel for the respondent/accused vehemently argued that the Court granting bail has discussed the case of last seen together. The material placed before it was also considered. Except the case of last seen together, there was no other circumstantial evidence. The Court has granted bail after considering the material placed before it. There is no substantive ground to cancel the bail order.

4. Perused the impugned order. It appears that the Court granting bail discussed the material placed before it and also examined the charge sheet. The Court has also discussed about the evidence of last seen together. The extra judicial confession has no evidential value at this juncture. The order impugned reflects the application of mind. It is not the case that the Court granting bail did not consider the admissible evidence and discussed the evidence not admissible. There are no overwhelming circumstances to call back the order granting

liberty to the respondent/accused. The impugned order is neither perverse nor adverse. The grounds as has been settled by law for cancellation of bail are not available with the prosecution.

5. For the above reasons, the application stands dismissed.

(S. G. MEHARE, J.)

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vmk/-