

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR CANCELLATION OF BAIL NO.98 OF 2019

Dnyaneshwar s/o. Nivrutti Talekar,
Age 37 years, Occu. Business,
R/o. Madalmohi, Taluka Georai,
District Beed

.. Applicant

Versus

1. The State of Maharashtra
Through the Investigating Officer,
In Crime No. 192/2019
Registered with Georai Police Station,
Georai, District Beed

2. Mahesh s/o. Sahebrao Jagtap,
Age 20 years, Occu. Agril.,
R/o. Georai, Taluka Georai,
District Beed

.. Respondents

...
Advocate for Applicant : Mr. Pankaj A. Bharat (Absent)
APP for Respondent No.1/State : Ms. V. N. Patil-Jadhav
Advocate for Respondent No.2 : Mr. Hrishikesh V. Tungar
...

CORAM : S. G. MEHARE, J.

DATE : 13-07-2023

PER COURT :-

1. Heard the learned A.P.P. for respondent No.1/State and the learned counsel for respondent No.2/accused.
2. The applicant/first informant is seeking cancellation of order of anticipatory bail granted to respondent No.2/accused in C.R.No.192 of 2019 registered with Georai Police Station, Georai,

District Beed, for the offence punishable under Section 302 of the Indian Penal Code, passed by the learned Additional Sessions Judge, Beed, in Miscellaneous Criminal Application No.361 of 2019, dated 18.07.2019.

3. The present application is pending since 2019. Neither the applicant nor his counsel persuaded the matter. Notice was served upon the applicant, but he and his counsel did not appear.

4. The learned counsel for respondent No.2/accused would submit that the bail has been sought to be cancelled mainly on the ground of the violation of the bail condition. However, which condition has been violated has not been mentioned in the application. Secondly, it is prayed to cancel the bail on the ground of threatening the applicant and other witnesses. Nothing is placed on record about such allegations.

5. The law is well settled that where the bail conditions are violated, the Court granting bail has power to deal with such issue. If the grounds are considered, the Court is of the view that if the applicant/first informant has grievance of violating the bail conditions, he has an opportunity to approach the same Court, which has been granted to the respondent No.2/accused.

6. In view of the above, the application is not maintainable. Hence, the application stands dismissed keeping his right open to move an application before the Court which has granted anticipatory bail.

(S. G. MEHARE)
JUDGE

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