

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

APPLICATION FOR CANCELLATION OF BAIL NO.101 OF 2019

SAHEBRAO S/O. NAMDEORAO KADNOR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : Mr. Kunal Kale
APP for Respondents: Mrs. G. L. Deshpande
Advocate for Respondent Nos. 2 and 3 : Ms. S. A. Wagode
h/f Mr. R. R. Karpe

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CORAM : R.M. JOSHI, J

DATE : JULY 24, 2023

PER COURT :

1. This application is for cancellation of anticipatory bail granted to the Respondent Nos. 2 and 3 by order dated 20.07.2019 in Criminal Bail Application No. 101/2019.

2. Perusal of the order shows that the learned Additional Sessions Judge has rightly taken into consideration factual aspects and has observed that the present Applicant/informant is not member of the scheme no. 2 and as per the record no plot out of the said scheme was to be allotted to him. It appears that the plot no. 5 out of the scheme no. 1 came to be allotted to the informant. It is held that informant has no

concern with the scheme no. 2 and, therefore, there was no need to issue any receipt in respect of allotment. Learned Sessions Judge has also taken into consideration the civil suit being R.C.S. No. 59/2018 being filed by the informant (which should have been wife of the informant) and said dispute is being pending before the civil Court. In these circumstances, it was held that the police custody of the Respondent Nos. 2 and 3 is unjustified.

3. In spite of this order passed in July, 2019, no attempt was made by the investigating officer to seek custody of the present Respondent Nos. 2 and 3, which indicates that their custody is not necessary.

4. In view of above, application stands dismissed.

(R.M. JOSHI, J.)

Malani