

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

APPLICATION FOR CANCELLATION OF BAIL NO.221 OF 2022

MAROTI DEORAO BHOSALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : Mr. A. S. Jadhav h/f Mr. P. R. Katneshwarkar

APP for Respondent: Mr. S. P. Sonpawale

Advocate for respondent Nos. 2 to 6 : Mr. S.S. Gangakhedkar

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CORAM : S. G. MEHARE, J.

DATE : 23.03.2023

PER COURT :

1. The applicant is seeking cancellation of bail order of the respondent Nos. 2 to 6 on the ground that the respondents have committed grievous injuries to the deceased and committed murder of two members of the complainant's family. The learned Court granting bail did not consider the earlier order of rejection of bail. The offence committed by the respondents was heinous and they have threatened the applicant as well as complainant and the victim's family.

2. The learned counsel for the respondents would argue that the order granting bail is well reasoned and the entire facts were considered. There are no overwhelming circumstances to cancel the

bail. Hence, the application be rejected.

3. Perused the order granting bail. It appears that the Court had considered the facts. The Court granted bail on the ground that there is no possibility of commencing and completing the trial in the near future. Few accused did not appear before the Court, hence trial has been protracted. Hence respondents are released on bail under the Government scheme for ‘ Release Under Trial Review Committee @ 75th Independence Day. It appears that the Court has considered the period of the trial. The respondents Nos. 2 to 6 were languishing in jail since 29.09.2017, except the period of Covid-19. The order granting bail does not appear perverse and arbitrary. There are no overwhelming circumstances to withdraw the liberty granted to the respondent Nos. 2 to 6 and cancel the bail.

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

(S. G. MEHARE)
JUDGE