



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

935 CRIMINAL APPLICATION NO. 2465 OF 2024

MRS. SARASWATI W/O BHANUDAS ISAYE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. Kale Amol Gangadharrao, Advocate for Applicant

Mr. V. M. Jaware, APP for Respondent State

Mr.S. S. Pidgewar, Advocate for Respondent No.2.

Mr. Vijay Ramot, API, Police Station Hingoli present.

CORAM : Y. G. KHOBRAGADE, J.

Dated : 17th October, 2024

PER COURT :-

1. Heard the learned counsel appearing for both sides at length.

2. By the present application, the Applicant prayed for restoration of the order dated 09.06.2023 passed in Criminal Application No.309 of 2023 and set aside the order dated 29.01.2024 passed by the learned Additional Sessions Judge in Criminal Bail Application No. 401 of 2023.

3. Needless to say that by order dated 09.06.2023 passed in Criminal Application No. 309 of 2023, the learned Additional Sessions Judge, Hingoli released the present Applicant on pre-arrest bail on condition of execution of P.R. bond of Rs.50,000/- with certain conditions. However, subsequently, on 20.06.2023,

a N.C. complaint was registered against the present Applicant, therefore, the informant/ present non-applicant No.2 filed Criminal Bail Application No. 401 of 2023 and prayed for cancellation pre-arrest bail granted on 09.06.2023 in Criminal Application No. 309 of 2023. On 29.01.2024, the learned Additional Sessions Judge, Hingoli recalled the order dated 09.06.2023 in respect of the Petitioner.

4. Needless to say that merely because N.C. is registered against the present Petitioner, it cannot be the substantial ground to recall or revoke the order of anticipatory bail which was passed earlier. Therefore, considering the nature of offence, the Present Applicant needs to be released on anticipatory bail under order dated 09.06.2023 passed in Criminal Application No. 309 of 2023 on the same terms and conditions. Accordingly, the Criminal Application is allowed.

5. The Petitioner shall furnish the bail bond before the Sessions Court at Hingoli.

(Y. G. KHOBRAGADE, J.)