



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

APPLICATION FOR CANCELLATION OF BAIL NO. 97 OF 2024

BABASAHEB UTTAM DHAKANE
VERSUS
TUKARAM DHONDIBA PAWAR AND ANOTHER

...
Advocate for Applicant : Mr. Yogesh B. Bolkar
APP for Respondent No.2 : Mr. A. S. Shinde

...
CORAM : S. G. MEHARE, J.
DATE : 14-08-2024

PER COURT :-

1. Heard the learned counsel for the applicant.
2. The applicant has impugned the order of learned Additional Sessions Judge, Ahmednagar, passed in Criminal Bail Application No.487 of 2024 dated 07.05.2024.
3. Issue notice to respondents.
4. The learned A.P.P. waives service of notice for respondent No.2.
5. After hearing the learned counsel for the applicant, the Court expressed the view that the matter may be decided without notice to respondent No.1/accused.
6. The respondent No.1/accused has been granted bail in C.R.No.254 of 2024 registered with Pathardi Police Station, District Ahmednagar, for the offences punishable under Sections 395, 397 and 504 of the Indian Penal Code.

7. The bone of contention of the applicant is that since the respondent No.1/accused was history sheeter, the Court could have refused him bail. The facts were brought to the notice of the Court granting bail. His arguments revolve around his past. He prayed to cancel bail granted to respondent No.1/accused.

8. The law is well settled that a past history of the accused is no ground to refuse bail. The Court has to consider the material and facts of the case in which the person claiming bail.

9. So far as cancellation of bail, it is to be examined whether the impugned order is perverse or passed without considering the material.

10. Perused the impugned order.

11. The Court has recorded the specific reasons that respondent No.1 has been arraigned as an accused only on the basis of the statements of the co-accused. The first information report was registered against unknown person. Nowhere it reflects in the impugned order that the Court did not consider the facts and ignored the circumstances which ought to have been considered. The impugned order is neither illegal nor perverse. There is no substance in the application. Hence, stands dismissed.

(S. G. MEHARE)
JUDGE