



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

**APPLICATION FOR CANCELLATION OF BAIL NO. 170 OF 2023**

DATTA VITTHAL PAWAR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. Sudarshan J. Salunke, Advocate for Applicant

Mr. B.M. Bhanure, APP for Respondent No.1

Mr. Shrikant G. Kawade, Advocate for Respondent Nos.2 to 6

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**CORAM : NITIN B. SURYAWANSHI, J.**

**DATE : 08<sup>th</sup> MARCH, 2024**

**PER COURT :**

1. By this application filed under Section 439(2) of Code of Criminal Procedure, applicant seeks cancellation of anticipatory bail granted to respondent Nos.2 to 6, by order dated 24/04/2023, passed by learned Additional Sessions Judge, Jalna, in Criminal Bail Application No.339/2023.

2. Applicant/informant lodged FIR stating that his sister-in-law Smt. Sangita Sanjay Pawar went along with Ravi Prakash Rathod. Due to this, there was domestic dispute. Meeting was held on 25/03/2023 for settlement of said domestic dispute. During the said meeting, there was quarrel between informant and accused persons, in which it is alleged that accused persons including respondent Nos.2 to 6, assaulted informant by means of stone and axe. On registration of crime, respondent Nos.2 to 6 along with other accused filed Criminal Bail Application No.339/2023 under

Section 438 of Cr.P.C. Trial Court has allowed said application. Hence, present application.

3. Heard learned advocate for applicant, learned advocate for respondent Nos.2 to 6 and learned APP for respondent No.1/ State. Perused the record.

4. It appears that there is cross FIR registered against applicant and 12 others at the instance of Kamalbai, wife applicant No.5 Prakash Rathod, at C.R. No.115/2023, with Mantha Police Station, Dist. Jalna, for offence punishable under Sections 143, 147, 148, 149, 324, 325 and 326 of I.P.C.

5. Charge-sheet in present crime is filed on 28/07/2023 and the case is numbered as R.C.C. No.215/2023. Perusal of record indicates that informant has suffered simple injury. Therefore, *prima facie* it is doubtful whether offence under Section 326 would be attracted. Respondent Nos.2 to 6 do not have any criminal antecedents. Considering these aspects, Sessions Court is justified in granting anticipatory bail to respondent Nos.2 to 6.

6. For the aforesaid reasons, this is not fit case to exercise jurisdiction under Section 439(2) of Cr.P.C. Application being devoid of merit is rejected.

**(NITIN B. SURYAWANSHI, J.)**