



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR CANCELLATION OF BAIL NO. 72 OF 2024

Sanjay S/o. Ashok Anbhule,
Age : 42 years, Occu. : Agri.,
R/o. Ghumri, Tq. Karjat,
Dist. Ahmednagar.

... Applicants

Versus

1. The State of Maharashtra,
Through Police Inspector,
Mirajgaon Police Station,
Tq. Karjat, Dist. Ahmednagar.

2. Sachin Mahadev Anbhule,
Age : 38 years, Occu. : Agri.,
R/o. Ghumri, Tq. Karjat,
Dist. Ahmednagar.

... Respondents.

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Mr. Yogesh R. Shinde, Advocate for Applicant.
Mr. S. B. Narwade, APP for Respondent - State.
Mr. A. S. More, Advocate for Respondent No.2.

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 5th MARCH, 2025

PRONOUNCED ON : 7th MARCH, 2025

ORDER :

1. Original informant seeks cancellation of bail granted to respondent no.2 by order dated 16.04.2024 passed below Exh.4 by learned Judicial Magistrate First Class, Karjat, Dist. Ahmednagar.

2. Learned counsel for applicant pointed out that, crime

was registered at Mirajgaon Police Station for commission of offence punishable under sections 326, 324, 323, 504 and 506 r/w section 34 of IPC. In consequence to FIR dated 02.12.2023, learned counsel took this court through the FIR and would submit that, initially crime was registered for offence punishable under sections 323, 324, 504, 506 r/w section 34 of IPC, but, subsequently in view of nature of injury, there was addition of section 326 of IPC. That, there was allegation of assault by iron rod. Learned counsel took exception to the bail order to be passed within a short span of arrest, even when investigation was in progress. He pointed out that, even while on bail respondent no.2 has indulged in further crime regarding which there was said to be reporting by way of NCR. Its copy is also placed on record. Therefore, on merits, it is his submission that, present respondent no.2 was not entitled to be released on bail and hence he seeks cancellation.

3. Learned counsel for respondent no.2 opposed on the ground that applicant was arrested and as was entitled to apply for bail, he preferred Bail Application. That, prosecution was heard, papers were perused and thereafter order has been passed. That, conditions imposed are complied with and hence application sought to be rejected.

4. Heard. Perused the papers. Applicant original informant seems to be aggrieved by grant of bail to present respondent no.2 by order dated 16.04.2024. He seems to have lodged report with Mirajgaon Police Station, District Ahmednagar bearing Crime No. 0357 of 2023 for offence punishable under sections 326, 324, 323, 504 and 506 of IPC. It appears that after registration of crime, present respondent no.2 initially attempted to seek anticipatory bail vide Cri.(Bail) M.A. No. 838 of 2023. As investigation was in progress, learned Additional Sessions Judge, Shrigonda rejected the same by order dated 16.02.2024. After arrest, he seems to have been filed application for bail below Exh.4 and the same is shown to be allowed by learned J.M.F.C., Karjat by order dated 16.04.2024. Such order is now questioned praying to cancel the bail primarily on the ground that grave offence like section 326 of IPC was committed and subsequently charge to that extent has been added, but within short span of arrest, when investigation was still in progress, bail was granted. No injury certificate is placed on record to show that occurrence attracted offence under section 326 of IPC. Apparently, there is no adverse remark of non co-operation and moreover even State has not questioned grant of bail by preferring any application for cancellation. Further copy of NCR is not at the instance of original informant, but at the instance of one Namdeo Maroti Padule

regarding some occurrence taking place on 08.03.2024. Therefore, taking above discussion into consideration, no case is made out for cancellation of bail granted to respondent no.2.

5. Application for cancellation of bail is rejected.

(ABHAY S. WAGHWASE, J.)