



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR CANCELLATION OF BAIL NO. 88 OF 2024

Ramdas S/o. Shyamrao Pise,
Age : 44 years, Occu. : Agri.,
R/o. Viregaon, Tq. Bhokardan,
Dist. Jalna.

... Applicant

Versus

1. The State of Maharashtra,
Through its Secretary,
Home Department,
Mantralaya, Mumbai.
2. The Police Inspector,
Police Station, Bhokardan,
Tq. Bhokardan, Dist. Jalna.
3. Sunil S/o. Tejrao Pise,
Age : Major, Occu. : Business,
R/o. Viregaon, Tq. Bhokardan,
Dist. Jalna.

... Respondents.

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Mr. Sujit S. Kulkarni, Advocate for Applicant.
Mr. V. M. Jaware, APP for Respondents – State.
Mr. Yogesh G. Somani, Advocate for Respondent No.3.

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CORAM : ABHAY S. WAGHWASE, J.

DATED : 5th MARCH, 2025

ORDER :

1. This is an application for cancellation of bail granted to respondent no.3 by learned District Judge-5 & Additional Sessions Judge, Jalna vide order dated 05.04.2024 on account of arrest of respondent No.3 in Crime No.136 of 2024 for offence punishable

under sections 307, 323, 324, 504 and 506 of IPC.

2. Learned counsel representing the informant submitted that, FIR was registered at Bhokardan Police Station, alleging assault by deadly weapon with knife. That, serious offence was committed, and therefore, it was promptly reported and crime was registered. According to learned counsel, informant had vomited blood. That, he was also hospitalized for more than four days. In spite of serious allegations, it is pointed out that, learned trial Judge has granted bail. That, further while on bail, two more crimes are committed by misusing liberty and same are reported to the police. Thus, according to learned counsel, there is misuse of liberty and breach of condition while on bail and moreover, respondent No.3 was not entitled for bail in the light of serious allegations against him.

3. Learned APP also supported and submitted that bail ought not to have been granted.

4. Learned counsel for respondent no.3 opposed on the ground that on complete appreciation of papers, nature of allegations and on hearing both sides, bail has been granted. That, there was no breach of any condition. That, allegations of

subsequent occurrence are an attempt to get bail cancel. Moreover, according to him, now case is committed to trial court and soon charge would also be framed. Learned counsel placed on record case history.

5. Heard. Perused the papers. It seems that, in consequence to registration of Crime No.0136 of 2024 Bhokardan Police Station arrested applicant i.e. present respondent no.3 on allegations of commission of offence under sections 307, 323, 324, 504 and 506 of IPC on incident allegedly taken place on 24.03.2024. Bail Application No. 304 of 2024 seems to be pressed into service by present respondent No.3 before learned District Judge-5 & Additional Sessions Judge, Jalna. Perused the order passed therein. Learned trial Judge seems to have issued notice and heard both, applicant as well learned APP. In paragraph no.9, it is noted that, injury certificate carries simple injuries and that injured and informant were discharged. According to learned counsel for informant, this is incorrect appreciation as facts are otherwise. According to him, there was admission of injured in the hospital and moreover, injured had vomited blood. Thus, according to him, apparently there was serious crime like attempt to murder. Learned trial Judge has granted bail by order dated 05.04.2024. However, now, circumstances have changed and as per the case

history/causelist, in which after investigation, case is shown to be already committed regarding which learned counsel for applicant also does not dispute. Stage shown in causelist is compliance. However, case is already committed. Therefore, when there is no attempt by prosecution in applying for cancellation of bail even after alleged reporting by informant and when now case is already committed for trial, it is not proper to withdraw the liberty as there is no adverse report of non co-operation during investigation. Hence, the following order :-

ORDER

The application for cancellation of bail is rejected.

(ABHAY S. WAGHWASE, J.)