



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR CANCELLATION OF BAIL NO. 100 OF 2024

Sau. Banobi Miyalal Patel,
Age : 65 Years, Occu : Household,
R/o : Village Jatoda, Tq. Shindkheda,
District Dhule.

... Applicant
[Orig. Informant]

Versus

1. Danish Shakeel Patel,
Age : 22 years, Occu: Agriculturist,
R/o: Village Jatoda, Tq. Shindkheda,
District Dhule.
2. The State of Maharashtra,
Through the Poilce Inspector,
Nardana Police Station,
District Dhule.

... Respondents

**WITH
APPLICATION FOR CANCELLATION OF BAIL NO. 101 OF 2024**

Banobi Miyalal Patel,
Age : 65 Years, Occu : Household,
R/o : Village Jatoda, Tq. Shindkheda,
District Dhule.

... Applicant
[Orig. Informant]

Versus

1. Shakeel Gulam Nabi @ Nimba Patel,
Age : 57 years, Occu : Agriculturist,
2. Saleem Gulam Nabi @ Nimba Patel,
Age : 77 years, Occu: Agriculturist,

Both R/o : Village Jatoda,
Tq. Shindkheda, District Dhule.

(orig. accused)

3. The State of Maharashtra,
Through the Police Inspector,
Nardana Police Station,
District Dhule.

... Respondents

.....

Mr. Ashutosh C. Sisodiya, Advocate for the Applicant in both applications.

Mr. Joydeep Chatterji, Advocate for Respondent No.1 in ACB/100/2024 and for Respondent Nos. 1 and 2 in ACB/101/2024.

Mr. S. B. Narwade, APP for Respondent No.2 in ACB/100/2024 and for Respondent No.3 in ACB/101/2024.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 17.01.2025

Pronounced on :

ORDER :

1. Above both applications are at the instance of original informant setting up prayers for cancellation of bail granted to the above respondents, who were arrested in the backdrop of crime no. 345 of 2023 registered at Nardana Police Station, District Dhule for offence under Sections 302, 326, 143, 147, 148, 149, 324, 323, 427, 504, 506 of IPC.

2. It is pointed out that in above crime, 11 persons were named for assaulting informant's husband, their sons, daughter-in-law and nephew. That, there was merciless beating by use of sticks, stone etc. Informant lost her husband due to assault on head. Their sons suffered grievous injuries. The daughter-in-law, who also tried to

intervene, lost her ornaments. That, with such serious allegations, respondents ought not to have been granted bail. Learned trial court has not considered the gravity of the offence and nature of accusations as well as articles put to use. That, there was eye witness account as well as injured witness account. That, all are consistent and moreover, respondents being of same village, there is likelihood of misuse of liberty and hence, on above grounds, learned counsel prays for withdrawal of relief of bail granted by learned trial court.

3. Learned APP supported the above contentions.

4. On the other hand, learned counsel for respondents (accused) pointed out that occurrence was all of a sudden on a petty count. There are allegations of use of sticks and stone. Both sides attacked each other. Cross FIRs are registered. That, considering the role attributed to present respondents, learned trial court was pleased to grant bail. It is pointed out that there is no adverse report of non-compliance of the condition and hence, according to learned counsel, applications for cancellation of bail have no merits.

5. After considering the above submissions and on going through the papers, it seems that in consequence of registration of crime at the instance of Banobi Miyalal Patel bearing no. 345 of 2023 registered

at Nardana Police Station, District Dhule for offence under Sections 302, 326, 143, 147, 148, 149, 324, 323, 427, 504, 506 of IPC, respondents approached learned trial court by filing separate applications for regular bail, i.e. Criminal Bail Application Nos. 361 and 362 of 2024 respectively. Perused the orders containing discussion on submissions made by learned counsel for applicants therein (present respondents), as well as learned APP. Reasoning has been given in para 6 of both orders dated 25.04.2024. Therefore, primarily, role of respondents and nature of allegations against them seem to have prevailed over the decision of setting them at liberty. Admittedly, State has not pressed for cancellation till date and there is no adverse remark by Investigating Officer about receipt of any threat or about misuse of liberty. It is settled position that liberty once granted cannot be withdrawn without sufficient cause. Here, no justifiable cause is brought to the notice of this Court to withdraw the liberty granted by the learned trial court. Hence, I proceed to pass the following order :

ORDER

Both the applications are dismissed.

[ABHAY S. WAGHWASE, J.]