



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR CANCELLATION OF BAIL NO. 191 OF 2024

X Y Z

... Applicant
[Orig. Informant]

versus

1. The State of Maharashtra
Through Police Inspector,
Chakur Police Station,
Taluka Chakur,
District Latur.
2. Imam s/o Mehaboob Shaikh,
Age : 25 years, Occ. Hotel,
R/o Rohina, Taluka Chakur,
District Latur.

... Respondents
[R.No.2 Orig. Accused]

.....

Mr. Shrikant B. Madde, Advocate for the Applicant.
Mr. C. V. Bhadane, APP for Respondent No.1-State.
Mr. Prashant P. Giri, Advocate for Respondent No.2.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 16.01.2025
Pronounced on : 21.01.2025

ORDER :

1. Original complainant has moved instant application for cancellation of bail which is granted by learned trial court to respondent on 12.09.2024 in Criminal (Bail) Application No. 589 of 2024.

2. Learned counsel for the applicant pointed out that present applicant is original informant. At her instance crime was registered bearing no. 413 of 2024 at Chakur Poilce Station, District Latur for offence under Sections 64(1), 74, 75(2), 75(3), 352, 351(2), 3(5) of Bharatiya Nyaya Sanhita [BNS] and Sections 8 and 12 of the Protection of Children From Sexual Offences Act, 2012 [POSCO Act].

3. It is pointed out that grave offence has been committed on a minor of 12 years age. Taking this Court through the order passed by trial court, it is pointed out that there is disregard to the nature of accusations and no proper reasoning is assigned as to why bail deserves to be granted. Hence, learned counsel prays for cancellation of bail so granted.

4. Opposing the application, learned counsel for respondent-original accused pointed out that, after moving bail application, the same was dealt and heard by the learned trial Judge on merits, i.e. after considering the submissions advanced by both sides and that, by applying law of bail, relief has been granted. That, conditions imposed are abided by the applicant and as such, there is no reason to withdraw the liberty so granted.

5. After considering the submissions of both sides, and on going through the papers, it transpires that present respondent was booked for commission of offence under Sections 64(1), 74, 75(2), 75(3), 352, 351(2), 3(5) of BNS and Sections 8 and 12 of POSCO Act, i.e. on report at the instance of present applicant. After arrest, present respondent moved Criminal (Bail) Application No. 589 of 2024 before learned Additional Sessions Judge, Latur, who, after hearing both sides, has allowed the bail application by assigning reasons from paragraphs 5 to 9, i.e. by imposing conditions. There is no adverse report about non-compliance of conditions. The discretion has been exercised by trial court by assigning reasons. It is fairly settled that liberty once granted, cannot be withdrawn without sufficient cause. Here, no sufficient cause has been brought to the notice of this Court so as to withdraw the liberty once granted. Hence, I proceed to pass the following order :

ORDER

The Application for Cancellation of Bail is dismissed.

[ABHAY S. WAGHWASE, J.]