

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 343 OF 2024

State of Maharashtra.

... Applicant.

Vs.

Umesh Bhoite.

... Respondent.

Mr. T.G.Khan, APP for Applicant-State.

None for Respondent.

CORAM : ASHWIN D.BHOBE, J.

DATE : 11th JUNE, 2025.

P.C. :

1. Heard Mr. Khan, learned APP for Applicant.
2. By the present Application, the Applicant has sought for the following relief :

“b. That the Hon`ble Court may be pleased to cancel the Bail granted to the above Respondent/Orig. Accused by vide order dated 28.08.2023 in Criminal Bail Application No. 548 of 2023 and the Respondent/Orig. Accused be directed to surrender with the police forthwith;”

3. By order dated 28th August 2023, the learned Additional Session Judge, Satara has granted Criminal Bail Application No. 548 of 2023 filed by the Respondent in Crime No. 107 of 2023

for the offence punishable under Section 302, 341, 120-B, 504, 506, 34 of the Indian Penal Code and Section 3, 25 of the Indian Arms Act, consequently released the Respondent on bail.

4. Case of the prosecution is that Sunil Shankar Bhoite, brother of the Informant was assaulted by the Respondent (Accused No. 3) alongwith three other persons accused in the said crime. The deceased was assaulted by the Accused No. 1 and Accused No. 2 in the said crime. Role assigned to the Respondent is of hatching conspiracy to kill Sunil Bhoite. All the accused persons were arrested in the said crime.

5. Mr. Khan, learned APP submits that the offence is serious and therefore, the Applicant ought not to have been released on bail. He submits that though the Respondent was neither present at the site nor the Respondent is alleged to have assaulted the deceased, however, allegation against the Respondent is of hatching conspiracy.

6. Having perused the order dated 28th August, 2023, I find that the learned Additional Session Judge, Satara has considered

the required parameters while exercising the discretion under Section 439 of the Code of Criminal Procedure, 1973. The learned Judge after having considered the nature of allegations and the role assigned to the Respondent in the Crime, of hatching a conspiracy has formed an opinion on the basis of the material on record and concluded that the said material prima facie does not justify custody of the Respondent.

7. Facts and circumstances of the present case support the exercise of discretion for grant of bail, by the learned Additional Sessions Judge, Satara. I do not find any infirmity in the order dated 28th August, 2023 passed by the learned Additional Sessions Judge, Satara. No case is made out for cancellation of bail. Hence, Criminal Application No. 343 of 2024 is dismissed.

[ASHWIN D.BHOBE, J.]