



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPLN) NO. 85 OF 2024

Sulabai w/o Sheshrao Jadhav

Vs.

State of Maharashtra, Thru. PSO, PS Ansing, Tq. & Dist. Washim and Ors.

CRIMINAL APPLICATION (APPLN) NO. 86 OF 2024

Sulabai w/o Sheshrao Jadhav

Vs.

State of Maharashtra, Thru. PSO, PS Ansing, Tq. & Dist. Washim and Ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. P.R. Agrawal, Advocate for applicant.
Ms. Mayuri Deshmukh, APP for non-applicant No.1/State.
Mr. A.M. Jaltare, Advocate for non-applicant Nos.2 & 3.

CORAM : RAJNISH R. VYAS, J.

DATE : 25.09.2025

Both these applications pertain to
cancellation of bail.

2. Heard Mr. Agrawal, learned counsel for
applicant, Ms. Deshmukh, learned Assistant Public
Prosecutor for the non-applicant No.1/State and Mr.
Jaltare, learned counsel for non-applicant Nos.2 &
3/original accused.

3. It is the case of the prosecution that, the applicant was sleeping in the night of 05.04.2024 and in the midnight the non-applicant nos.2 to 3 and 3 other accused have called her out of the house and brutally beaten her by means of knife, stick and fist and blows, due to which the applicant suffered grievous injuries and was required to be hospitalized for more than 2 weeks. While leaving from the spot, the accused persons have taken away her mobile phone with them. The non-applicant no.2 has filled chilli powder into applicants private parts on the suspicion that she performs black magic.

4. According to Mr. Agrawal, the injuries sustained by the injured are of serious nature and were life threatening and therefore, the offences under Section 307 of the Indian Penal Code was subsequently added. According to him, that factor was not taken into consideration and in Criminal Application (APL) No.85/2024, anticipatory bail was granted to accused Durgabai and accused Ilayati @ Lalita Kailash Rathod whereas in Criminal Application (APL) No.86/2024, regular bail was granted to accused namely Sachin Jogar, Sunil Jogar and Kailash Rathod.

5. It is further his case that manner in which attack is made clearly shows that there was an intention to kill the informant. He further contends that since relevant

material was not taken into consideration, the order granting anticipatory bail as well as regular bail to the accused persons is liable to be set aside.

6. Per contra, Mr. Jaltare, learned counsel for non-applicant Nos.2 & 3 has brought my attention to the observations made by the Additional Sessions Judge, Washim in para 6 of the order granting bail if those observations are perused, it would be clear that nothing has been produced on record to show that the injury was life threatening. He further says that the manner in which the incident had taken place and body part chosen would clearly reveal that there was neither intention nor knowledge to commit offence punishable under Section 307 of the Indian Penal Code.

7. Learned Assistant Public Prosecutor has supported the stand taken by the original accused.

8. I have gone through the entire material and has given thoughtful consideration to the arguments advanced by the respective counsels. At the outset, it is necessary to mention here that the manner in which the attack has been made would prima facie revealed that there was no intention to kill but same will be subject matter of trial. The injury sustained by the victim is fracture. The applicants are released on bail on 06.05.2024 and there is

no complaint of any threatening or influencing the witnesses.

9. In the aforesaid background, I am not inclined to interfere in the order passed by the Sessions Court granting anticipatory bail in Criminal Application (APL) No.85/2024 and regular bail granted which is subject matter of Criminal Application (APL) No.86/2024 nothing has been brought to my notice which requires cancellation of bail.

10. Needless to mention that parameters for cancellation of bail and grant of bail are totally different. Once the liberty of the accused persons is protected by the Court, then there has to be overwhelming circumstances to deprive the accused of it. In that view of the matter, both the criminal applications are rejected.

(Rajnish R. Vyas, J.)