

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Criminal Application No. 2282 of 2016

District : Hingoli

Kanyakumari w/o. Arjun Vaychal,
Age : 22 years,
Occupation : Household,
R/o. Bramhanwada, .. Applicant
Taluka & District : Hingoli. (Original victim)

versus

1. Nagesh s/o. Baban Tapare,
Age : 20 years,
Occupation : Agriculture,
R/o. Pangari,
Taluka & District : Hingoli.
2. The State of Maharashtra,
Through Police Station Officer,
Police Station, Hingoli (Rural),
Taluka & District : Aurangabad. .. Respondents.

.....

Mr. Shashikant S. Londhe, Advocate, for the applicant.

*Mr. S.P. Sonpawale, Addl. Public Prosecutor, for
respondent no.2.*

.....

CORAM : A.M. BADAR, J.

DATE : 27TH OCTOBER 2016

ORAL ORDER:

This is an application for cancellation of bail granted to respondent no.1 in Crime No. 113/2015 registered with Hingoli (Rural) Police Station,

District Hingoli, for offences punishable under Sections 376D, 323, 506, read with Section 34 of the Indian Penal Code.

2. Heard the learned Counsel appearing for the applicant / informant and perused the impugned order dated 07.03.2016, passed by the learned Addl. Sessions Judge, Hingoli, rejecting the similar application filed by the present applicant for cancellation of bail of accused - respondent no.1 herein. It appears that the present applicant has not made the Investigation Officer as party - respondent to the application under Section 439(2) of the Code of Criminal Procedure, which he moved before the learned Addl. Sessions Judge, Hingoli. On that count, principally the applicant came to be rejected.

3. The learned Counsel appearing for the applicant / informant submits that he is moving fresh application by adding proper parties for the same relief before the learned Addl. Sessions Judge, Hingoli. The applicant is given liberty to do so.

4. With these observations and liberty, as indicated above, the Application is disposed of.

(A.M. BADAR)
JUDGE

.....