



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

**CRIMINAL WRIT PETITION NO. 825 OF 2026**

Snehal Alias Gayatri Rajesh Bhole

**VERSUS**

Kiran Motiram Bhole And Another

Mr. S. S. Patil, Advocate for Petitioner

Mr. G. G. Kadam, Advocate for respondent No. 1

Ms. P. J. Bharad, APP for respondent-State

**CORAM : R. M. JOSHI, J.**

**DATE : 22<sup>nd</sup> JUNE, 2026**

**PER COURT :-**

1. By consent of both sides heard finally at the stage of notice itself.

2. The petitioner seeks to invoke the inherent powers of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 / Section 482 of the Code of Criminal Procedure, for quashing of the impugned order dated 03.06.2026 passed by the learned Additional Sessions Judge, Jalgaon in Criminal Miscellaneous Application No. 74/2026. The Sessions Court refused to cancel the regular bail of Respondent No. 1, granted by the Judicial Magistrate First Class, Jalgaon, by order dated 25.05.2026 under Exhibit 63 in Regular Criminal Case No. 687/2015 for offenses punishable under Sections 498-A, 406, and 34 of the India Penal Code.

3. The present proceedings arise from a long-standing matrimonial dispute between the petitioner and her in laws. The Petitioner filed a private criminal complaint R.C.C. No. 687/2015 against her husband and in-laws in all total 5, Respondent No. 1 is her brother-in-law i.e. accused No. 5. On 01.10.2015, the trial court issued process against the accused for offenses under Section 406 read with Section 34 of the Indian Penal Code, based on allegations that they misappropriated 32 Tolas of gold ornaments belonging to the Petitioner as Stridhan.

4. Respondent No. 1, working in Sydney, Australia, failed to appear before the trial court for several years. Consequently, the court issued a Non-Bailable Warrant (NBW) on 12.12.2017, an absconder proclamation under Section 82 of the Code of Criminal Procedure. on 25.09.2023, and a Lookout Circular (LOC) on 08.09.2025. Respondent No. 1 returned to India after passport clearance objections alerted him to the outstanding coercive processes. Availing the liberty granted by the Court, the respondent no. 1 surrendered before the Trial Court, Jalgaon, seeking to recall the adverse orders and requesting regular bail. On 25.05.2026, the trial court set aside the non-bailable warrants and the absconder proclamation, admitting him to regular bail. The Petitioner's subsequent application to cancel this bail was rejected by the Additional Sessions Judge, Jalgaon, on 03.06.2026.

5. The learned counsel for the Petitioner, argued that the lower

Courts committed a material perversity by granting bail to respondent No. 1 who was a proclaimed offender and evaded the criminal trial for nearly 11 years. He emphasized that immediately after securing bail, the respondent applied for a 'No Objection Certificate' (NOC) to travel back to Australia. According to the counsel, this behavior shows a clear flight risk that will indefinitely delay the trial. Placing reliance upon Apex Court judgment ***Rakesh Mittal v. Ajay RajGupta, 2026 SSC OnLine SC 211***, that regular bail should not be mechanically granted to individuals who deliberately evade the process of law.

6. Per contra, the learned counsel for respondent No. 1 defended the orders impugned. He submitted that the petitioner provided an incorrect address for the respondent in Bhosari, Pune, despite his permanent residence is Savan Elegance, Plot No. 68, Koparkhairane, New Mumbai, Thane and demonstrating his bonafide residence Sydney, Australia, learned Counsel stated that the respondent has been openly residing and working in Australia on a valid work visa since December 2021. According to him, considering the reasoned orders passed in the facts of case, no interference is called for therein.

7. Perused petition, impugned orders and material placed on record. The legal principles parameters governing the invocation of Section 439(2) of the Code of Criminal Procedure for the cancellation of

bail are well settled. It is a well established law that a higher threshold is required to interfere with an order granting liberty than to reject a bail plea at the initial stage. Consequently, the regular bail granted to the Respondent No. 1 by virtue of the order passed by the Learned Trial Court in RCC No. 687/2015 cannot be canceled unless the impugned order is shown to be patently perverse, illegal, or bereft of reasoning.

8. Perusal of the order dated 26.05.2026 passed by the Learned Trial Court, Jalgaon in RCC No. 687/2015, it is clear that the trial court balanced all relevant factors before granting bail. The matter essentially stems from a private matrimonial dispute. The core allegation against respondent No. 1 is under Section 406 of the Indian Penal Code, an offense triable by a Magistrate. Furthermore, the record reveals that the petitioner did not reside in a joint family with respondent No. 1 post-marriage. Crucially, the final decree in HMP No. 347/2009 directed only the husband to return the gold ornaments.

9. The petitioner's apprehension regarding the respondent No. 1 might flee the country is fully answered by the Trial Courts bail order. Specifically, Condition (d) explicitly states that respondent No. 1 must undertake not to leave India without the prior permission of the Court. Simply filing a regular legal application before the Magistrate to request permission to return to work abroad does not mean he violated his bail

terms. Learned Trial Court remains fully vested with the statutory jurisdiction to regulate the respondent's movements, modify the Look-Out Circular (LOC) parameters, or grant exemption from personal appearance by permitting representation through Counsel, thereby ensuring the seamless progress of the trial without any impediment.

10. Furthermore, respondent No. 1 has neither breached any bail conditions since his release nor alleged to have tempered with witnesses. His past failures to appear in court are reasonably explained by his ongoing employment abroad and the fact that the initial complaint contained an incorrect address. As a result, this Court finds no error being committed while passing orders impugned. Needless to say that the power to cancel bail under Section 439(2) of the Code of Criminal Procedure especially when directed against the concurrent findings of the sub-ordinate court is an extraordinary remedy and must be used sparingly.

11. As a result of above discussion, no case is made out by petitioner to cause interference in the orders impugned. Hence, petition stands dismissed.

**(R. M. JOSHI, J.)**

B. S. Joshi