

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

927 APPLICATION FOR CANCELLATION OF BAIL NO.72 OF 2021

SHAKUNTALABAI W/O GANPATI BIRADAR

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. A.A. Reddy, Advocate for the applicant

Mrs. V.N. Patil-Jadhav, APP for the respondent No.1

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 23rd FEBRUARY, 2022

PER COURT :

1 Present application has been filed under Section 439 (2) of the Code of Criminal Procedure, 1973, for cancellation of bail, granted by this Court, in Bail Application No.93 of 2020 on 12.03.2020.

2 This Court while granting bail had directed the respondent No.2/ original accused that he shall not enter Udgir taluka and shall not contact any witnesses directly or telephonically till the conclusion of trial.

3 Heard learned Advocate Mr. A.A. Reddy for the applicant and learned APP Mrs. V.N. Patil-Jadhav for the respondent No.1.

4 It is not even necessary that the notice should be issued to respondent No.2.

5 The present applicant is contending that after the order was passed by this Court, respondent No.2 had come in the village and threatened, as a result of which, three non cognizable cases have been registered by the informant. They were on 30.09.2020, 21.01.2021 and 02.02.2021.

6 It is to be noted that except the copies of the non cognizable complaint nothing has been produced so as to infer that the police had taken any further action as contemplated under Section 155(2) of the Code of Criminal Procedure. Further, if the police had not taken such action the applicant was at liberty to file private complaint. But, it appears that no such action has been taken. Under Such circumstance, this Court will not believe the contents of the said non cognizable complaint as gospel truth. That cannot be considered as ground for cancellation of bail, on the point of breach of terms. There is no merit in the application. It stands rejected.

(Smt. Vibha Kankanwadi, J.)