

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

APPLICATION FOR CANCELLATION OF BAIL NO.112 OF 2022

VINAYAK CHABU RATHOD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND

APPLICATION FOR CANCELLATION OF BAIL NO.128 OF 2022

VINAYAK CHABU RATHOD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Bhosle Pratik A.
APP for Respondent-State : Mr. S. B. Narwade.
Advocate for Respondent Nos.2 to 4 in ACB/112/22 : Mr. P. P.
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CORAM : S. G. MEHARE, J.
DATE : 13.12.2022

PER COURT :-

1. Heard the learned counsel for the applicant, learned APP for the respondent-State and learned counsel for respondent Nos.2 to 4.

2. The cancellation of bail has been sought on the ground that the learned Additional Sessions Judge, Jalna did not consider the CDR report and granted the bail on the ground that there is no direct evidence against the accused. It has also

been vehemently argued by the learned counsel for the applicant that the learned Judge has ignored the material evidence. It is also argued that the offence registered against the accused was serious. The order granting bail is perverse and arbitrary.

3. Per contra, the learned counsel for respondent Nos.2 to 4 has vehemently argued that the learned Additional Sessions Judge did not brushed aside the material placed before it. There was no direct evidence against the accused. So called CDR is also the circumstantial evidence. The material placed before the Court was considered. The order is legal and proper.

4. Learned counsel for the applicant relied on the case of *Ishwarji Nagaji Mali Vs. State of Gujarat ; AIR Online 2022 SC 40*. The facts of the cited case were altogether different from the case in hand.

5. Perused the papers and the reasons assigned by the learned Additional Sessions Judge, Jalna while granting bail to the accused. The Court has specifically observed that there is no *prima facie* satisfactory evidence in support of the charge. The order of the learned Additional Sessions Judge granting bail reflects the application of mind. The said order is neither perverse nor arbitrary. There are no overwhelming

circumstances to cancel the bail. Hence, with due respect this case cannot assist the case of the present applicant.

6. For these reasons, both applications stand dismissed.

(S. G. MEHARE, J.)

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