

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

**APPLICATION FOR CANCELLATION OF BAIL NO.170 OF 2022**

XYZ

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Bhosale Mahesh Kalidas

APP for Respondent/State : Mr. V.M. Kagne

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**CORAM : S.G. MEHARE, J.**

**DATED : 03<sup>rd</sup> OCTOBER, 2022**

**PER COURT:-**

1. Heard learned counsel for the applicant.
2. Learned counsel for the applicant would submit that the learned Additional Sessions Judge has not considered the facts of the case and allegations levelled against the accused. He also argued that as per the direction of the learned Additional Sessions Judge, the accused has furnished his mobile handset but has deliberately not furnished the mobile handset in which he had recorded the obscene activities. He has also argued that the accused has mixed two incidents. The incident of money transaction has no concern with the present incident. He would state that the impugned order passed by the learned Additional Sessions Judge granting anticipatory bail is contrary to the facts and evidence on record. The learned Additional Sessions Judge has missed the seriousness of the allegations levelled against the accused. In sum and substance, he has argued that the

order passed by the learned Additional Sessions Judge granting anticipatory bail is arbitrary and perverse.

3. Perused the papers produced by the applicant on record. The first alleged incident happened in the month of July 2015 and the report was lodged on 14.07.2022. While considering the bail application of the accused, the learned Additional Sessions Judge has considered the allegations levelled against the accused/respondent no.2. He has also gone through the documents filed on record by the accused. The respondent no.2 has also complied with the bail conditions. It is also observed that the so-called cheque in dispute has already been seized by the police. It is not in dispute that no obscene video is yet viral by the accused. There is nothing on record to show that the learned Additional Sessions Judge ignored the facts and material available on record and passed the impugned order. The impugned order granting anticipatory bail is well reasoned. Whatever the material placed before the learned Additional Sessions Judge was considered and discussed too, therefore, it cannot be said that the impugned order is perverse and arbitrary.

4. In view of the law laid down by the Hon'ble Apex Court in the case of Gurcharan Singh & Ors vs State (Delhi Administration), 1978 AIR 179, the High Court may cancel the anticipatory bail if the learned Sessions Judge granting anticipatory bail did not consider the material placed before it or misread the document. However, nothing

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happened as such in the present case. Therefore, there is no substance in the application. Hence, the application stands dismissed.

**(S.G. MEHARE, J.)**

*Mujaheed//*