

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**948 APPLICATION FOR CANCELLATION OF BAIL NO.204 OF
2021
WITH
ACB/203/2021**

VILAS GORAKSHNATH DOKHE
VERSUS
PRASHANT CHANGDEV DOKHE AND OTHERS

...
Advocate for Applicant : Mr. Patil Dnyaneshwar J (appointed Through
Legal Aid Committee)
APP for Respondent No.11-State : Mr. A. M. Phule
...

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 09-02-2022.

ORDER :

1. Heard learned Advocate Mr. D. J. Patil for both the applications. It can be seen that respondents No.1 to 10 were served, however, they have not appeared.
2. From the submissions those have been made, it appears that respondents, as regards ACB 204 of 2021, it is contended that there is violation of the condition of 2 (ii) passed by the learned Additional Sessions Judge, Ahmednagar, in Criminal Misc.Appln.No.553 of 2021, on 22-06-2021. Subsequently the non-cognizable offence under Section 504, 506 of Indian Penal Code has been registered vide NCR No.1476 of 2021 on 21-08-2021. That offence is registered against Sandip Sadashiv Dokhe and Deepak Sadashiv Dokhe. Deepak is the respondent No.1 in ACB No.203 of 2021, However, this Sandeep Sadashiv Dokhe is not accused in the matter and also he is not the

respondent before this Court. It has been contended that the incident had taken place at about 05.30 p.m. on 28-08-2021 and after abusing the informant, they asked him as to why he had lodged offence against them, and they threatened him to kill or cause hurt.

3. First of all, it appears that the present applicant/ informant had not taken any further step when the police had not taken cognizance, and thereafter, in respect of the same, filed non-cognizable complaint. It has not been placed on record that permission as required under Section 155 (2) of the Code of Criminal Procedure has been obtained by the police for investigation of the non-cognizable complaint. The FIR appears to have been lodged in which the respondents were released on bail was on 05-03-2021. The question then arises as to whether the retaliation of the same could be after about five months. The bail was granted on 22-06-2021 and the alleged incident is stated to be on 20-08-2021.

4. No sound reason has been given for cancellation of bail which in fact is a serious act. Curtailing the liberty granted to a person requires more proof than mere non-cognizable complaint. Therefore, both the applications stand rejected.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-