

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Criminal Application (APPLN) No. 49 of 2022

Vinayak S/o Ramdas Tayde

Versus

State of Maharashtra, through Police Station Officer, Police Station
Ramdaspet, Akola and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Bhavin Suchak, Advocate for the applicant.

Shri V.A. Thakare, APP for the State / Non-applicant

Shri Ved Deshpande, Advocate for the non-applicant
no.2.

CORAM : ANIL S. KILOR, J.

DATED : 19th JULY, 2022.

This is an application for cancellation of bail filed by the applicant against the non-applicant no.2 on the ground that there is a breach of conditions, more particularly a condition that, the non-applicant shall not, directly or indirectly, make any attempt to influence the witnesses or otherwise tamper with the evidence.

2. It is submitted that the police recorded non-cognizable offence on 17th March, 2022 on a complaint made by the applicant that, the non-applicant no.2

visited the office of the applicant along with his wife and daughter and threatened him.

3. It is submitted that phone calls were also received from the friend of non-applicant no.2 who tried to pressurize the applicant for withdrawal of the complaint. Accordingly, he submits that as there are supervening circumstances, this Court may cancel the bail granted to the non-applicant no.2.

4. On the other hand, learned Additional Public Prosecutor fairly states that non-cognizable report was registered on the complaint made by the applicant, however, no application was moved by the State for cancellation of bail.

5. Shri Deshpande, learned counsel for the non-applicant no.2 submits that because of rivalry, the applicant is making all sorts of allegations against the non-applicant no.2, whereas, there were overt acts on the part of the applicant because of which the non-applicant no.2 or his mother required to make a complaint against the applicant.

6. He further submits that the allegations made against the non-applicant no.2 are false and incorrect. He therefore submits that as no ground is made out for cancellation of bail, he prays for rejection of the present application.

7. I have perused the application, the reply and the documents filed on record.

8. The non-cognizable report shows that the applicant made a complaint on 17th March, 2022, that, the non-applicant no.2 visited his office alongwith wife and daughter and threatened the applicant. There are also allegations that phone calls were made by the non-applicant no.2 through the third person to pressurize the applicant to withdraw the complaint.

9. At the same time there are counter complaints filed by the non-applicant no.2 against the applicant.

10. Thus, it appears that out of enmity between both the parties, they are lodging the complaints against each other.

11. However, in absence of any substantive evidence to show that there are supervening circumstances or there is a breach of condition, I do not find any merit for allowing the present application. Accordingly, the criminal application is rejected.

[ANIL S. KILOR, J.]

SACHINDANAND
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by
SACHINDANAND
K NAIR
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