

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

CRIMINAL APPLICATION (APPLN) NO.106 OF 2021

The State of Maharashtra, through P.S.O., P.S. Kuhi, Tah. Kuhi, Dist. Nagpur

Versus

Sandip S/o Bhimrao Suradkar and others

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

Court's or Judge's Order

Shri S.A. Ashirgade, A.P.P. for the applicant/State.

Shri S.D. Tatake, Advocate for the non-applicants.

CORAM : ANIL S. KILOR, J.

DATED : 01/04/2022

1. This is an application filed by the State for cancellation of bail granted to the non-applicants vide order dated 17.09.2021 passed by the learned Additional Sessions Judge-2, Nagpur in Misc. Criminal Application No.2856 of 2021.
2. Heard Shri Ashirgade, learned APP for the applicant/State and Shri Tatake, learned counsel for the non-applicants.
3. Shri Ashirgade, learned APP submits that Police want to recover Rs.2,00,000/- and the vehicle used in the offence as well and for the said purpose the custody of the applicant is necessary.
4. It is submitted that even the Police want to investigate, whether the applicant is involved in other similar offences.

5. On the other hand, Shri Tatake, learned counsel for the non-applicants submits that the order granting bail was passed on 17.09.2021 and in last more than six months there is not a single complaint about abuse of concession or breach of any condition of the order granting bail.

6. It is submitted that in the First Information Report (FIR) there is no mention that the non-applicants have taken away Rs.2,00,000/- from the complainant. Hence, there is no question of recovery of Rs.2,00,000/-.

7. He has pointed out that the allegations in the FIR are that the accused demanded Rs.3,00,000/- and threatened the complainant that if he doesn't pay Rs.2,00,000/- on next day, matter will be reported to the Food and Drugs Department. He therefore, submits that for no valid and permissible reason the present application has been filed for cancellation of bail.

8. I have perused the record. In the FIR, the complainant says that the accused demanded Rs.3,00,000/- and threatened him that if the complainant failed to pay Rs.2,00,000/- on next day, the matter shall be reported to the Food and Drugs Department.

9. The incident is of dated 27.08.2021, whereas, the report was lodged on 31.08.2021 and there is no mention in the FIR that, on next day, the complainant paid Rs.2,00,000/- to the accused persons. In the circumstances, there is no question of asking custody of the non-applicants for recovery of Rs.2,00,000/-.

10. There was a condition while granting bail that the applicants shall co-operate in investigation and shall attend the concerned Police Station as and when called by the Investigating Officer.

11. It is not the case of the State that the applicants have not attended the concerned Police Station when they were called.

12. Moreover, no overwhelming circumstances have been pointed out in this case for cancellation of bail. Even it is not the case of the State that the order of granting bail is perverse. In the circumstances, in absence of any permissible ground made out for cancellation of bail, the criminal application is **rejected**.

[ANIL S. KILOR, J.]