

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

**APPLICATION FOR CANCELLATION OF BAIL NO.25 OF 2021
IN APPLN/291/2017**

**THE STATE OF MAHARASHTRA
VERSUS
HARSHWARDHAN RAIBHAN JADHAV**

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**P.P. for Applicant - State : Mr. D. R. Kale
Advocate for Respondent: Mr. C. C. Deshpande h/f Mr. A.
K. Bhosale**

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CORAM : R.M. JOSHI, J

DATE : JULY 06, 2023

PER COURT :

1. This application is for cancellation of bail granted by this Court vide order dated 01.02.2017 passed in Criminal Application No. 291 of 2017.

2. Record indicates that the Respondent/Original Appellant is convicted for the offences punishable under Sections 332 and 353 of the IPC and sentenced to suffer RI for one year with fine in Sessions Case No. 273 of 2011.

3. This application is moved by State for cancellation of the bail granted by aforesaid order on the ground that four crimes recorded against him. Learned P.P. submitted that there is non-compliance of

condition imposed while granting bail that the Respondent shall not indulge into any offence of similar nature during the pendency of the Appeal. It is contended that there is breach of condition. Hence, bail deserves to be cancelled.

4. Learned Counsel for the Respondent opposed the said contention by contending that the bail once granted cannot be casually canceled except there is exceptional circumstances made out by the prosecution.

5. Perusal of the record shows that the first report lodged against the present Respondent on 14.12.2020 seems to have been arisen out of road rage. This cannot be construed as pre-meditated crime committed by the Respondent. As regard FIR in respect of incident dated 01.03.2020 is concerned, it seems to have been occurred out of dispute in respect of public property, though it is also registered for offence punishable under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Other offences are punishable under Section 188 of IPC. No doubt, there cannot be any justification of commission of crime by any person, however, at the same time it cannot be

ignored that the present Respondent is ex-MLA and a political figure. Needless to say that just like supporters to political figures, there are equal number of opponents too. Hence, unless Court finds commission of serious pre-meditated crime by Respondent, cancellation of bail is not permissible. Hence, application stands dismissed. It is however made clear that this order would not bar the State to move an application for cancellation of bail against Respondent on being found involved in any other crime.

(R.M. JOSHI, J.)

Malani