

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

**951 APPLICATION FOR CANCELLATION OF BAIL NO.10 OF
2023**

**DIGAMBAR BHAIRAVNATH GAWADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Applicant : Mr.Gaikwad Anil M.
APP for Respondent-State : Ms. R.G.Gaur
Advocate for Respondent Nos. 2 to 4 : Mr.Ruchir Subodh Wani

...

WITH

APPLICATION FOR CANCELLATION OF BAIL NO. 39 OF 2023

**THE STATE OF MAHARASHTRA
VERSUS
VISHWANATH S/O MURLIDHAR KHADE AND OTHERS**

...

APP for Applicant State : Ms. R.P.Gaur
Advocate for Respondent Nos. 2 to 3 : Mr.Ruchir Subodh Wani

...

**CORAM : R. G. AVACHAT, J.
DATE : 25.04.2023.**

PER COURT :

1. Heard.
2. By these applications the bail granted to the respondents is sought to be cancelled. The grounds on which the bail is sought to be cancelled are the non compliance with

the conditions i.e. 'not to enter the village' and 'mark attendance at the concerned Police Station on certain dates'.

3. The learned Advocate for the applicant took this Court, through the Video Clip to suggest that the respondents had entered the village and even they had quarreled and threatened the informant. It is also submitted that the respondent Ajay admittedly did not attend the concerned Police Station on the given dates, as has been directed by the learned Additional Sessions Judge, while granting him bail.

4. He also read out the statements of the concerned to advert attention of the Court towards the communication made by the informant Digambar dated 29.05.2022 to the Superintendent of Police and other Police Officials. It has been alleged therein that the respondents threatened them and some of the villagers/witnesses, and thereby tampered with the evidence. The same is causing hindrance in the progress of the investigation. The learned APP, ultimately, urged for allowing the applications.

5. The learned Advocate for the respondents, would, on the other hand, submit that the alleged entry is in the Vasti and

not in the village. It is on account of misconception of the order, the respondent Ajay could not mark his presence at the concerned police station. The Investigating Officer had never called upon him to appear for the purpose of investigation. He would further submit that on completion of the investigation, charge sheet has been filed. The charge is also framed. He would therefore, urge for rejection of the applications.

6. Considered the submissions advanced. The respondents were granted bail even before filing of the charge-sheet. The reason was obvious as there was no eye witness account. Whether the bail conditions have, in fact, been breached or not, is a question of fact. The learned Additional Sessions Judge turned down the application for cancellation of bail with sound reasons.

7. Admittedly, the charge has now been framed, meaning thereby, the trial is commenced. In view of the same, the Court is not inclined to allow the application. Both the applications are therefore rejected.

(R. G. AVACHAT)
JUDGE

mahajansb/