

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR CANCELLATION OF BAIL NO.58 OF 2023
IN ABA/1693/2022

Shivshankarappa Mallikarjunappa Bidve

Applicant

Versus

Sidramappa Manikappa Dongarge And Another Respondents

Mr. S.C. Swami, Advocate for the applicant.

Mr. S.R. Yadav Lonikar, Advocate for respondent No. 2.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 24th JULY, 2023

ORDER :

1. By the present application, applicant seeks cancellation of anticipatory bail granted in favour of respondent No. 1, by this Court vide order dated 08.02.2023, on the ground that respondent No. 1 has not made available fixed deposit receipts and therefore, students are deprived of their scholarship money, hence, anticipatory bail granted to him is liable to be cancelled.

2. Heard the learned advocate for the applicant and learned Additional Public Prosecutor for respondent No. 2. Perused the documents placed on record.

3. Anticipatory bail was granted to respondent No. 1 considering the fact that he is under suspension and original fixed deposit receipts are with the bank. Therefore, prima facie, there is no substance in the allegation made in the FIR that original fixed deposit receipts are with the respondent No. 1.

4. In **Daulat Ram and others vs. State of Haryana** (1995) 1 SCC 349, it is observed thus:

“Rejection of bail in a non-bailable case at the initial stage and the cancellation of bail so granted, have to be considered and dealt with on different basis. Very cogent and overwhelming circumstances are necessary for an order directing the cancellation of the bail, already granted. Generally speaking, the grounds for cancellation of bail, broadly (illustrative and not exhaustive) are: interference or attempt to interfere with the due course of administration of Justice or evasion or attempt to evade the due course of justice or abuse of the concession granted to the accused in any manner. The satisfaction of the court, on the basis of material placed on the record of the possibility of the accused absconding is yet another reason justifying the cancellation of bail. However, bail once granted should not be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it no longer conducive to

a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during the trial.”

5. None of the ground mentioned in the above ratio is made out by the applicant. In that view of the matter, the present application is misconceived. Application being devoid of merit is dismissed.

[NITIN B. SURYAWANSHI, J.]