

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

APPLICATION FOR CANCELLATION OF BAIL NO.71 OF 2022

DEVARAM SANGTARAM CHAUDHARY
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Kodale Vikas G.
APP for Respondent/State : Mr. S.B. Narwade
Advocate for Respondent No.2 : Mr. D.J. Choudhary

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CORAM : S.G. MEHARE, J.

DATED : MARCH 06, 2023

PER COURT:-

1. Heard learned counsel for the applicant and learned counsel for respondent no.2.
2. The applicant is seeking cancellation of bail granted to the accused/respondent no.2 by the learned Judicial Magistrate First Class, Gangapur by its order dated 22.02.2022.
3. Learned counsel for the applicant has vehemently argued that the accused/respondent no.2 was involved in many similar cases. This aspect has not been seriously considered by the learned Judicial Magistrate while granting bail. He also relied on the confessional statement of the applicant, given before the police. The order granting bail is arbitrary and perverse.
4. Per contra, learned counsel for respondent no.2 has argued that the matter between the accused and the complainant was

settled. Hence, a compromise decree was passed by the National Company Law Tribunal, Mumbai. Other co-accused have been granted bail by this Court holding that the transaction was of civil nature.

5. Perused the impugned order. It appears that the Court granting bail has considered the entire material. *Prima facie*, it appears that it was a civil dispute over the business transaction. The decree has already been passed by the National Company Law Tribunal, Mumbai, in which the amount was agreed to be paid by installments. Learned counsel for respondent no.2 has correctly pointed out that after the decree passed by the National Company Law Tribunal, Mumbai, the present crime was registered. Upon examining the order granting bail, the Court is of the view that there are no overwhelming circumstances to cancel the bail and the transactions were arising out of business contract. There was a consent decree in favour of the applicant. The legal remedy was available to him. This aspect has also been correctly considered by the learned Judicial Magistrate. The order is neither arbitrary nor perverse. The application is without any substance. Hence, it stands dismissed.

(S.G. MEHARE, J.)