

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

**APPLICATION FOR CANCELLATION OF BAIL NO.87 OF 2022
IN BA/271/2022**

SUMIT GANPATRAO KOLPE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Kulkarni Suvidh S.
APP for Respondent/State : Mr. S.B. Narwade
Advocate for Respondent No.2 : Mr. S.S. Thombre

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**CORAM : S.G. MEHARE, J.
DATED : MARCH 01, 2023**

PER COURT:-

1. Heard the learned counsel for the applicant, learned APP for the State and learned counsel for the respondent no.2/accused.
2. The applicant is seeking cancellation of bail, as the respondent no.2 has breached the condition imposed while enlarging him on bail, in Bail Application No.271 of 2022 dated 08.03.2022.
3. The learned counsel for the applicant has vehemently argued that the accused by bail order was restrained from entering the Beed District till conclusion of the trial. However within two months of granting bail, the accused entered the Beed town and committed an offence on 26.05.2022. The FIR has been registered against him. Besides this, the photographs placed on record reveals that the applicant had been to Beed. He also celebrated his birthday on 12.05.2022. The police report also supports the contention of the applicant.

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4. Learned counsel for respondent no.2/accused has vehemently argued that the false report has been lodged against the respondent no.2 to get his bail cancelled. The photographs are not the evidence to believe that the respondent breached the condition of bail. Therefore, application may be dismissed.

5. Perused the papers. *Prima facie* evidence has been placed on record to believe that in breach of the bail conditions, the respondent no.2/accused entered the Beed town and committed a crime and also celebrated his birthday. It proves that the respondent/accused has no regard to the bail conditions and breached the same. Breaching the conditions of bail is a good ground to cancel the bail. Therefore, the bail granted to him by this Court in Crime No.0403 of 2020 registered with Shivaji Nagar Police Station, District Beed by order dated 08.03.2022 in Bail Application No.271 of 2022 stands cancelled. The application is allowed.

6. The respondent/accused is directed to surrender before the Sessions Court if the session is committed, if not before the concerned Magistrate within two weeks from today.

7. His bail bonds stands cancelled and surety stands discharged.

(S.G. MEHARE, J.)