

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

APPLICATION FOR CANCELLATION OF BAIL NO.137 OF 2021

DATTATRAYA PUNJAHARI ADHAV  
VERSUS  
VISHNU PUNJAHARI ADHAV AND ANOTHER

...  
Advocate for Applicant : Mr. Nanabhau R. Thorat  
Advocate for Respondent No.1 : Mr. P. R. Shinde h/f. Mr. R. R. Karpe  
APP for Respondent No.2 : Mr. S. P. Sonpawale  
...

**CORAM : S. G. MEHARE, J.**

**DATE : 11-01-2023**

**PER COURT :-**

1. Heard the learned counsel for the applicant, the learned counsel for No.1/accused and the learned A.P.P. for the respondent No.2/State.
2. The learned Additional Sessions Judge, Ahmednagar, released the respondent/accused by order dated 06.05.2021.
3. The learned counsel for the applicant would argue that the order granting bail is not reasoned. No conditions were imposed while granting the bail. The learned Additional Sessions Judge did not consider the material placed before the Court and erroneously granted the bail. In addition thereto, he also argued that the opportunity of being heard before granting bail was not given. The learned Additional Sessions Judge has in a casual manner granted the bail. Hence, the bail granted to the respondent No.1/accused may be cancelled.

4. To bolster his arguments, the learned counsel for the applicant has relied on ***Chaman Lal Versus State of U.P. and another, (2004) 7 Supreme Court Cases 525***, and ***Puran, Shekhar and another Vs Rambilas and another, (2001) 6 Supreme Court Cases 338 :: AIR 2001 SC 2023***.

5. The ratio laid down by the Honourable Apex Court as regards the factors to be considered before granting bail and there shall be a reasoned order needs no discussion. The law is well settled that the reason is the soul of judgment and order. Unless there are reasons, there would be no conclusion. For arriving at any conclusion, there must be some reason supported with the material. The law is also settled in a case of ***Puran, Shekhar and another (supra)*** that granting bail without considering material or appreciating inadmissible evidence is perverse. The order granting bail should not be arbitrary. There must be some overwhelming circumstances to cancel bail granted to the accused.

6. Perusal of the order granting bail reveals that the learned Additional Sessions Judge, Ahmednagar, has discussed the case of the accused and prosecution and then recorded reasons. The learned Additional Sessions Judge also relied upon the Judgment of this Court in the case of ***Suresh Krishnarao Pol Versus State of Maharashtra, 2009 All MR (Cri) 3289***.

7. Considering the role attributed to the applicant and the ratio laid down in the aforesaid case, the applicant has been granted bail. Examining the order granting bail, nowhere it appears that the learned Additional Sessions Judge did not consider the material available on record and avoid the principles to be borne in mind while considering the application. The order is apparently reasoned. The learned Additional Sessions Judge has considered the material available on record. Therefore, the Court is not satisfied that the the applicant has a ground to seek cancellation of bail. As far as the lodging of report and counter reports against each other after granting bail, is a matter of an independent investigation and that has no bearing on the present petition.

8. For the reasons stated above, the application for cancellation of bail stands dismissed.

**( S. G. MEHARE )  
JUDGE**

rrd