

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

**APPLICATION FOR CANCELLATION OF BAIL NO.137 OF
2023**

SANJAY S/O TRILOKCHAND GOYAL (AGRAWAL)
VERSUS
THE STATE OF MAHARASHTRA & ANR.

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Mr. Atul M. Karad, Advocate for the Applicant.
Mr. D. R. Kale, Incharge GP for Respondents-State.

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 11th SEPTEMBER, 2023.

PER COURT:-

1. By this application, the applicant seeks cancellation of bail granted to respondent no.2 by order dated 13.07.2023 passed by the Additional Sessions Judge, Aurangabad in Criminal Application No.1408/2023 in Crime No.297/2023 registered with MIDC Police Station, CIDCO Aurangabad.

2. The respondent no.2 herein is accused no.2 in the said crime. He is arrested on 24.06.2023 and remanded to police custody upto 03.07.2023. The learned Additional Sessions Judge allowed his application for grant of bail vide order dated 13.07.2023. This Court heard the application seeking cancellation of bail alongwith Bail Application No.1398/2023 filed by accused no.1. By detailed order, the application of accused no.1-Nitin Haridas Patil is allowed. After deliberation of the allegations in the FIR as well as material placed into service on behalf of the prosecution so also the complainant, the *prima facie* finding is recorded that

the material relied by the prosecution is bereft to make out offences alleged. The dispute appears to be of civil nature. Pertinently, the Sessions Court while granting bail to respondent no.2 observed that he is mere shareholder and did not participate in the affairs of the seller company, although he is signatory to the Company Take Over Agreement. It is also observed that, *prima facie* no case is made out to continue the detention of respondent no.2.

3. In view of the reasons recorded by the Sessions Court so also the reasons recorded by this Court while granting bail to accused no.1-Nitin Haridas Patil in Bail Application No.1398/2023, which is decided today i.e. on 11.09.2023, no case is made out for cancellation of bail granted in favour of respondent no.2. Hence, the following order:

ORDER

Application is dismissed.

(S. G. CHAPALGAONKAR)
JUDGE