

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR CANCELLATION OF BAIL NO.173 OF 2022
IN WP/393/2013

RAHUL ARJUN DUBALE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Santosh S. Jadhavar
APP for Respondent No.1/State : Mr. S. B. Narwade
Advocate for Respondent No.2 : Mr. Suvidh S. Kulkarni,
Ms. Pratiksha C. Kale
...

CORAM : S. G. MEHARE, J.

DATE : 09-03-2023

PER COURT :-

1. Heard the learned counsel for the applicant, the learned counsel for respondent No.1/State and the learned counsel for respondent No.2.
2. The applicant is seeking cancellation of bail granted to the respondent No.2 in the year 2013 on the ground that respondent No.2 is tampering with the prosecution witnesses that amounts to breach of bail condition.
3. The learned counsel for the applicant took this Court through the complaints filed by the respondent No.2 to the Police Station and read over the conclusion of the inquiry made by the police department. In addition thereto, he would argue that the

witnesses are not safe. They are turning hostile due to pressure and threats of the applicant. Hence, the applicant has an apprehension of tampering with the other independent witnesses at the hands of respondent No.2.

4. The learned counsel for respondent No.2 would submit that till date, 17 witnesses have been examined. None of the witnesses came forward alleging that respondent No.2 threatened them. The applicant has an apprehension in his mind. It is his imaginations. There is no cogent and reliable evidence or material placed before the Court to believe that respondent No.2 has threatened the witnesses. He would also argue that the officer of DySP rank had some connection with the applicant and the grievance against respondent No.2. He is facing the inquiry before the commission headed by the retired High Court Judge on the complaint of respondent No.2. It is nothing but an attempt to see the applicant behind bar for no reason.

5. The learned A.P.P. placed on record paper showing that during each stage of the trial some police officers were deployed in the Court.

6. It seems that both parties are fighting with each other since 2012. The reports lodged by present respondent No.2 in which inquiry was made, were remote in time. The police also did not take strict action against respondent No.2. However, they issued a

notice to both sides under Section 149 of the Code of Criminal Procedure. None of the witnesses has come forward making allegations against respondent No.2 that he threatened them. The witnesses also have not stated before the Court that they were under the pressure of respondent No.2. The evidence of the material witnesses have been recorded. The grounds raised by the applicant are not well founded.

7. For the above reasons, the application stands dismissed with costs of Rs.5,000/- (Rs. Five Thousands Only) to be paid to the Library of the Advocates Association of the High Court of Bombay Bench At Aurangabad.

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

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