

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

APPLICATION FOR CANCELLATION OF BAIL NO.236 OF 2022

SHESHRAO NARAYANRAO MAHORKAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. N. Y. Kingaonkar
APP for Respondent No.1: Mr. S. P. Sonpawale
Advocate for respondent No.2 : Mr. S.R. Barlinge

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CORAM : S. G. MEHARE, J.

DATE : 05.04.2023

PER COURT :

1. Heard the learned counsel for the applicant, the learned A.P.P. for respondent No.1/State and the learned counsel for respondent No.2.
2. The applicant is seeking cancellation of the bail on the ground that a document dated 09.04.2021 was placed on record indicating that the informant and the accused had some terms of agreement and Rs. 29,00,000/- were paid. It has also been alleged against respondent No.2 that he misled the Court and secured bail. Therefore, bail order is liable to be cancelled.

2. Perused the order granting bail. It has been mentioned in the bail application that a notarized agreement dated 09.04.2021 about payment of entire amount and issuance of the cheque, was produced on record. However, in the observation clause of the bail order, the Court did not consider the said document for granting bail. The Court while granting bail to respondent No.2 observed that the Bank accounts and other necessary documents were seized and his Bank account was freezed. He also attended the police station and extended his co-operation to the police. Lastly, the Court also considered the terms of imprisonment for the offences punishable under the M.P.I.D Act. Considering these facts bail was granted.

3. It seems that the applicant is interested in recovering the money from the respondent No.2 under criminal case. Criminal trial is for the punishment and not for recovery of money. The legal remedy is available to recover the money . Be that as it may, the contention of the applicant is not accepted for the reason that the alleged document was not considered for granting bail. The ground raised for cancellation of bail is misconceived Therefore, application is

liable to be dismissed with costs. Hence, the following order :-

ORDER

- (i) The application stands dismissed with costs of Rs. 25,000/- to be paid to the Aurangabad District Bar Association Library fund within four weeks from today.
- (ii) After depositing the amount the applicant shall produce the receipt before the trial Court.
- (iii) If he would not deposit the amount as directed and produce the receipt, the trial Court shall take appropriate actions against the applicant.

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

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