

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR CANCELLATION OF BAIL NO.237 OF 2022
IN BA/729/2019

ABDUR RAHEMAN SHAFIK AHMED
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Gajendra D. Jain, Mr. P. B. Pawar
APP for Respondent No.1 : Mr. S. P. Sonpawale
...

CORAM : S. G. MEHARE, J.

DATE : 11-01-2023

PER COURT :-

1. Heard the learned counsel for the applicant.
2. A unique ground seeking the cancellation of bail is that the applicant did not move any application for converting the land to non-agricultural use and execute the sale deed within a month. The condition II(c) of bail order dated 02.08.2019 has not been complied with. Therefore, the bail is liable to be cancelled.
3. While imposing condition to convert the land to non-agricultural use and then execute the sale deed, no time was imposed. In an affidavit of accused also, he did not bind himself to convert the land to non-agricultural use in a particular time. It appears that under the pretext of condition imposed while granting bail, the present applicant intends to get the contract performed. Civil remedy is available to him. The bail condition did

not cease the right to avail the civil remedy. Having regard to the facts of the case, there are no allegations that the accused interfered with the trial. The Court is not satisfied that the applicant has a good case for cancellation of bail. There are no overwhelming circumstances to curtail the liberty of the accused. It is not a good case to cancel the bail. Hence, application stands dismissed.

(S. G. MEHARE)
JUDGE

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