



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

APPLICATION FOR CANCELLATION OF BAIL NO.11 OF 2024

Shanabhau Babu Bhil (Pawar),
Age-59 years, Occu:Agri.,
R/o- At Post Rudane,
Taluka-Shindkheda, District-Dhule.

...APPLICANT

VERSUS

- 1) The State of Maharashtra,
- 2) Nana Mahadu Bhil,
Age-62 years, Occu:Agril.,
R/o-At Post Rudane,
Taluka-Shindkheda, District-Dhule
- 3) Yuvraj Ramdas Devre,
Age-40 years, Occu:Agril.,
R/o-At Post Rudane,
Taluka-Shindkheda, District-Dhule

...RESPONDENTS

...

Mr. Sudhir B. Akhade Advocate h/f. Mr. Ajit B. Zodage
Advocate for Applicant.
Mr. S.D. Ghayal, A.P.P. for Respondent No.1 – State.
Mr. Chaitanya C. Deshpande Advocate for Respondent Nos.
2 and 3.

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WITH

APPLICATION FOR CANCELLATION OF BAIL NO.13 OF 2024

Shanabhau Babu Bhil (Pawar),
Age-59 years, Occu:Agri.,
R/o- At Post Rudane,
Taluka-Shindkheda, District-Dhule.

...APPLICANT

VERSUS

- 1) The State of Maharashtra,
- 2) Sukram Pundlik Bhil,
Age-45 years, Occu:Agri.,
- 3) Raju Nanabhau Bhil (Mahale),
Age-30 years, Occu:Agri.,
- 4) Sonu Bhaidas Bhil (Malche),
Age-30 years, Occu:Agri.,
- 5) Ganesh Bhaidas Bhil (Malche),
Age-24 years, Occu:Agri.,
- 6) Bahiram (Bairag) Nanabhau Bhil,
Age-27 years, Occu:Agri.,
- 7) Dashrath Narayan Bhil,
Age-45 years, Occu:Agri.,
- 8) Dnyaneshwar Pavba Bhil,
Age-42 years, Occu:Agri.,
- 9) Jibhau Kashiram Bhil,
Age-45 years, Occu:Agri.,
- 10) Baban Vitthal Bhil,
Age-23 years, Occu:Agri.,

All are R/o- At Post Rudane,
Taluka-Shindkheda, District-Dhule.

...RESPONDENTS

...

Mr. Sudhir B. Akhade Advocate h/f. Mr. Ajit B. Zodage
Advocate for Applicant.
Mr. S.D. Ghayal, A.P.P. for Respondent No.1 – State.
Mr. Chaitanya C. Deshpande Advocate for Respondent Nos.
2 to 9.

...

WITH

APPLICATION FOR CANCELLATION OF BAIL NO.15 OF 2024

Shanabhau Babu Bhil (Pawar),
Age-59 years, Occu:Agri.,
R/o- At Post Rudane,
Taluka-Shindkheda, District-Dhule.

...APPLICANT**VERSUS**

- 1) The State of Maharashtra,
- 2) Bapu Kashinath (Kashiram) Bhil,
Age-39 years, Occu:Agri.,
R/o-At Post Rudane,
Taluka-Shindkheda, District-Dhule.

...RESPONDENTS

...
Mr. Sudhir B. Akhade Advocate h/f. Mr. Ajit B. Zodage
Advocate for Applicant.
Mr. S.D. Ghayal, A.P.P. for Respondent No.1 – State.
Mr. Chaitanya C. Deshpande Advocate for Respondent No.2.

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CORAM: S.G. MEHARE, J.

DATE : 2nd JULY, 2024

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith. Heard finally by consent.
2. The applicant has filed Present Applications for cancellation of bail granted to the respondents/accused in Crime No.100 of 2023 by the learned Additional Sessions Court, Dhule.The

applicant, the complainant, said that the respondents/accused had violated the bail conditions of not tampering with the prosecution witnesses or threatening the witnesses. His argument is primarily relying on the N.C. Reports dated 21st November 2023 and 30th December 2023. The learned counsel for the applicants submits that violation of bail conditions is the grounds for rejecting bail applications. It amounts to interference in the trial. The witnesses have been threatened to withdraw the case. Most of his arguments are based on the following case laws:-

- (a) Abdul Basit @ Raju and others vs. Mohd. Abdul Kadir Chaudhary and another, (2014) 10 SCC, 754,*
- (b) Gulabrao Baburao Deokar vs. State of Maharashtra and others, (2013) 16 SCC 190,*
- (c) Mehboob Dawood Shaikh vs. State of Maharashtra, (2004) 2 SCC 362,*
- (d) Gurucharan Singh and others vs. State (Delhi Administration), (1978) 1 SCC 118 and*
- (e) Himanshu Sharma vs. State of Madhya Pradesh, 2024 SCC OnLine SC 187.*

3. To counter the prayer for cancellation of bail, learned counsel for the accused/respondents has vehemently argued that the learned Sessions Judge imposed the conditions and

therefore, the applicant ought to have approached the learned Sessions Court first. On merit, it has been argued that the applications are false. No bail conditions, as alleged, have been violated. The respondents are law-abiding persons. They know the consequences of violating the bail conditions. However, the applicant was aggrieved by the orders of the Court granting the bail. Hence, he has created false evidence by lodging the Non-Cognizable offences against them. It was actually a created ground. As per the N.C., the accused have no reason to threaten the witnesses or the first informant. Report. He also relied on the case of *Himanshu Sharma* (supra) and argued that none of the conditions of the bail entitled to cancel the bail had been violated. Therefore, the applications may be dismissed.

4. The case of *Puran vs. Rambilas, (2001) 6 SCC 338* was referred in most of the case laws relied upon by the applicant. Regarding the issue of cancellation of bail, the Hon'ble Supreme Court, in the above cases, has laid down the law on the grounds for cancellation of bail. The grounds have been set out in the above pronouncements are (i) the misuse of his liberty by indulging in similar criminal activity, (ii) interferes with the course of investigation, (iii) attempts to tamper with evidence or witnesses, (iv) threatens witnesses or indulges in similar

activities which would hamper smooth investigation, (v) there is likelihood of his fleeing to another country, (vi) attempts to make himself scarce by going underground or becoming unavailable to the investigating agency, (vii) attempts to place himself beyond the reach of his surety, etc. These grounds are illustrative and not exhaustive.

5. The cancellation of bail granted to the accused is the curtailment of his liberty. Therefore, there should be cogent and reliable evidence to believe that the accused has violated the bail conditions, resulting in the bail cancellation.

6. The applicant has the sole evidence of lodging N.C. Reports against a few of the accused alleging that they were threatening them. The same is by way of bare words only. There is nothing except for the bare words lodging the Non-Cognizable Case. Therefore, the Court is of the view that such evidence is not sufficient to believe that the accused has deliberately violated the bail conditions. Nowadays, such N.Cs. are routinely filed after the bail is granted. Bearing in mind the ratio laid down in the case of *Puran vs. Rambilas* (supra), the Court is not satisfied that there was sufficient material to believe that the respondents have violated the bail conditions. In the absence of any

substantial material against them, their liberty could not be curtailed.

7. For the above reasons, all the Applications stand dismissed.

8. Rule stands discharged.

[S.G. MEHARE, J.]

asb/JULY24