



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

APPLICATION FOR CANCELLATION OF BAIL NO. 28 OF 2024

Nilkanth s/o. Baburao Pangarkar,
Age 50 years, Occu. Agriculture,
R/o. Tadpangari, Taluka and District
Parbhani

.. Applicant

Versus

1. The State of Maharashtra
Through Police Station Officer,
Daithana Police Station,
Taluka and District Parbhani
2. Rohan Gunaji Vairagar,
Age 22 years, Occu. Agriculture,
R/o. Tadpangari, Taluka and District
Parbhani

.. Respondents

...
Advocate for Applicant : Mr. Swapnil S. Rathi
APP for Respondent : Mr. S. B. Narwade
Advocate for Respondent No.2 : Mr. Satyajit S. Bora

...

CORAM : S. G. MEHARE, J.

DATE : 26-06-2024

PER COURT :-

1. Heard the learned counsels for the parties.
2. This is an application for cancellation of bail granted to respondent No.2 by order, dated 22.12.2023 below Exhibit-5 in Sessions Case No.254 of 2023 of the learned Additional Sessions Judge-3, Parbhani.

3. It is the contention of the learned counsel for the applicant that the Court granting bail did not assign reasons. The impracticable conditions were also imposed. The applicant was handicapped. Respondent No.2 and his family member were forcing him to lease his land for cultivation. A civil suit filed by the applicant's father against co-accused as he was dispossessed. The injuries were serious. The Court granting bail did not consider the facts and circumstances and also assign the reasons in detail. Therefore, the order is liable to be quashed and set aside.

4. Learned counsel for the respondent/accused submits that the Court has discussed entire facts and considered the improvements made in the supplementary statement. Respondent No.2/accused has been falsely implicated in the crime as there was a civil suit. The injuries were not harmful. The acts of respondent No.2 are unintentional. At the time of granting bail, there were no antecedents to his discredit. He was behind bar for four years. Therefore, he never contacted the injured and not violated the law and order. Hence, the application deserves to be allowed.

5. The impugned order reveals that the learned Judge granting bail has discussed the facts in detail and case laws relied by the respective counsels and considered the entire facts and circumstances. It also appears that after applying the mind, the learned Additional Sessions Judge has exercised discretion in

granting bail. There are no substantial grounds to cancel the bail. However, certain conditions may be imposed.

6. With the above observations, the application is partly allowed.

7. Prayer for cancellation of bail is refused. However, condition No.7 in the impugned order is modified as follows :-

“The applicant No.2 shall not enter the village Tadpangari, Taluka and District Parbhani, till the conclusion of the trial.”

(S. G. MEHARE)
JUDGE

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