



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

APPLICATION FOR CANCELLATION OF BAIL NO. 92 OF 2024

Govind Gangadhar Sabne,
Age 49 years, Occu. Service,
R/o. Govind Nagar, Kautha Road,
Vasmat, Hingoli

.. Applicant

Verus

1. The State of Maharashtra

2. Dattarao Sopanrao Bhalerao
Age 43 years, Occu. Business,
R/o. Ridhura, Tq. Vasmath,
District Hingoli

.. Respondents

Mr. Govind M. Sharma, Advocate for Applicant;
Mr. S. M. Ganachari, A.P.P. for Respondent No.1

CORAM : S. G. MEHARE, J.

DATE : 01-08-2024

PER COURT :-

1. Heard the learned counsel for the applicant.

2. The applicant/first informant seeks cancellation of bail granted to respondent No.2/accused by the learned Additional Sessions Judge, Basmath, by order dated 09.05.2024 in Criminal Bail Application No.107 of 2024.

3. The learned counsel for the applicant submits that the accused obtained bail from the Sessions Court on incorrect statement that he has a license to buy agricultural produce from APMC and so called amount of fraud of Rs.44 Lakhs and more is not recovered.

4. Perused the order of bail.

5. It was the submissions of the accused before the Trial Court that he was licensed buyer and was holding license to purchase agricultural produce from Adtya/commission agent. He purchased agricultural produce from the *Adtya*. His *Munim* had prepared false document. He handed over blank signed cheques to his *Munim*. However, his submissions were discarded.

6. The learned Sessions Court while granting bail has considered the stage of investigation and his requirement for detention. The learned Sessions Court has specifically observed that the applicant would not pressurize or influence the witnesses. There is no possibility of tampering with the prosecution witnesses.

7. The objection was raised by the first informant and the commission agents that unless the money of fraud is secured, bail should not be granted. The learned Sessions Court recorded the findings that while granting bail, it will not be proper to obtain security from the accused as trial has not yet proceeded.

8. The impugned order reveals that the learned Sessions Judge has applied mind, considered the requirement for detention of the applicant. The learned Sessions Judge is correct in observing that securing of the money is not a condition to refuse bail. Law is well settled that the Criminal Court is not supposed to assist / help the aggrieved persons to recover the amount of alleged fraud. The Court is not satisfied that there are reasons to issue notice to the accused. Since the impugned order is free from infirmity and illegality, the petition is devoid of merit; hence, stands dismissed at admission stage.

(S. G. MEHARE)
JUDGE

rrd