



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

APPLICATION FOR CANCELLATION OF BAIL NO. 150 OF 2023

GULABDAS NANDU CHAVAN

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. Sandip R. Sapkal, Advocate for Applicant

Mr. N.B. Patil, APP for Respondent No.1 – State

Mr. Mahendra B. Kolpe, Advocate for Respondent Nos.2 to 5

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 16th FEBRUARY, 2024

PER COURT :

1. This application is filed under Section 439(2) of the Code of Criminal Procedure seeking cancellation of anticipatory bail granted to respondent Nos.2 to 5.

2. Applicant lodged FIR at C.R. No.278/2023, registered with Omerga Police Station, Osmanabad, for offence punishable under Sections 420, 406 r/w 34 of the Indian Penal Code, alleging cheating and misappropriation of society's amount by respondent Nos.2 to 5. On registration of crime respondent Nos.2 to 5 preferred Criminal Bail Application No.72/2023, under Section 438 of Cr.P.C. in the Court of learned Sessions Judge, Osmanabad, which is allowed.

3. Heard learned APP for respondent No.1 – State, learned advocate for applicant and learned advocate for respondent Nos.2 to 5. Perused the documents placed on record.

4. Learned advocate for applicant strenuously submitted that the order passed by learned Sessions Judge is arbitrary and he has misinterpreted the orders passed by this Court as well as Joint Charity Commissioner and for recovery of misappropriated amount custody of respondent Nos.2 to 5 is necessary.

5. Learned advocate for respondent Nos.2 to 5, on the other hand, supported the impugned order.

6. Learned APP submitted that appropriate orders may be passed.

7. Perusal of record indicates that there are two groups in the management of the society and due to said rivalry present FIR is lodged. Offence pertains to documents which are already in the custody of investigating officer. Learned Sessions Judge has assigned proper reasons while granting anticipatory bail to respondents, which cannot be faulted with.

8. No case is made out by applicant for cancellation of anticipatory bail granted to respondent Nos.2 to 5 in the month of July, 2023. In the result, application is rejected.

(NITIN B. SURYAWANSHI, J.)