



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

CRIMINAL WRIT PETITION NO. 945 OF 2024

PETITIONER : Sachin s/o Kisan Kamble (in Jail)
Aged 32 years,
R/o Itwara Bazar, Tah and Dist.
Wardha

//VERSUS//

RESPONDENT : State of Maharashtra through
Police Station Officer, Wardha (City),
Wardha

Mr. Mahesh Rai, Advocate for the petitioner.
Mr. Piyush Pendke, APP for the respondent/State.

CORAM : G. A. SANAP, J.
DATED : 18.12.2024.

ORAL JUDGMENT

Rule. Rule made returnable forthwith. Heard finally by
the consent of learned Advocate for the parties.

2. In this writ petition, the petitioner has impugned the
order dated 30.08.2024 passed by the learned Additional Sessions
Judge, Wardha, whereby the learned Judge cancelled the bail
granted to the petitioner/accused in crime No.908/2023 for the
offences punishable under Sections 302, 307, 109, 201, 452, 504

and 506 of the Indian Penal Code (for short, 'the I.P.C.') and Section 4 read with Section 25 of the Arms Act, 1959.

3. It is the case of the prosecution that the accused/petitioner committed a breach of the bail conditions. It is stated that on 02.06.2024 the accused went to the locality with a deadly weapon. When the appellant, all of a sudden came in front of Arati Goswami, she was scared. The accused, at that time, declared that he would kill all the witnesses in his murder case. The report was lodged by Arati Goswami. On the basis of her report, crime bearing No.800/2022 came to be registered against the petitioner/accused under Sections 195-A and 506 of the I.P.C. and under Section 4 read with Section 25 of the Arms Act, 1959.

4. During the course of the investigation of this crime, the Investigating Officer recorded the statements of the main witnesses in crime No.908/2023, namely Ruksar Sheikh and Farzana Abdul Sheikh. In their statements they have stated that the accused is following them with deadly weapon and extending threats to kill them in case they give evidence against him. On the basis of this material, an application for cancellation of bail of the petitioner/accused was made.

5. The accused filed his reply and opposed the application. It is contended that he has been falsely implicated in this crime. He did not extend threats to the witnesses as well as to Arati Goswami.

6. Learned Judge, on consideration of the material placed on record by the State, allowed the application and cancelled the bail of the petitioner/accused. Learned Judge has recorded in his order that the important bail condition was violated by the accused.

7. I have gone through the order passed by the learned Judge and the material placed on record. I have perused the contents of the report lodged by Arati Veeru Goswami and the statements of Ruksar Sheikh and Farzana Abdul Sheikh. It is to be noted that Ruksar Sheikh and Farzana Abdul Sheikh are the witnesses in the murder trial pending against the petitioner. In their statements they have categorically stated that the accused has been wandering with a deadly weapon in their area. He has been extending threats to them in case they give evidence against him. It is to be noted that the offence committed by the accused where he was released on bail, is serious in nature. As per condition No.(iii) and (iv) of the bail order dated 25.04.2024, he was directed not to

directly or indirectly pressurize the witnesses and tamper with the prosecution evidence. The material placed on record has been properly considered by the learned Judge. There was a blatant violation of this condition. First Information Report has been registered against the petitioner/accused on the report of Arati Goswami. In my view, therefore, the order passed by the learned Judge cancelling the bail of the petitioner does not warrant interference.

8. Accordingly, Criminal Writ Petition stands **dismissed**.
9. Rule is discharged.

(G. A. SANAP, J.)