



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

910 APPLICATION FOR CANCELLATION OF BAIL NO. 20 OF 2024

Amol S/o Digambar Gaikwad.

... Applicant

Versus

01. The State of Maharashtra.

02. Saurabh S/o Rajeshwar Sangewar.

... Respondents

...

Mr. Sachin L. Baswe & Mr. Cedric Fernadic, Advocates for Applicant.

Mr. P. P. Dawalkar, APP for Respondent/State.

...

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 12th September, 2025.

P.C.:

1 Heard the learned counsel for the applicant and the learned APP for respondent No.1 / State.

2 Though respondent No.2 is duly served, none appears for respondent No.2.

3 This is an application for cancellation of bail granted to the respondent No.2 by the learned Additional Sessions Judge, Court No.3, Nanded, vide order dated 10th April, 2023 passed in Criminal Bail Application No.191 of 2023.

4 Respondent No.2 was arrested in connection with Crime No.56 of 2023, registered with Bhagyanagar Police Station, District Nanded, for offence punishable under Section 420 read with Section 34 of the Indian Penal Code, 1860.

5 It is averred in the report that respondent No.2 duped the students for about rupees twenty lakhs by issuing false advertisement for the courses namely Diploma in Aviation Management, Diploma in Air Hostess and Travelling Management, BBA in Aviation, MBA in Aviation, Diploma in Aeronautical Engineering, B.Tech. in Aeronautical, M.Tech / M.S in Aerospace and B.Sc in Hotel Management. The anticipatory bail application of respondent No.2 was rejected by the Trial Court. However, the bail application preferred by the respondent No.2 is allowed by the learned Additional Sessions Judge.

6 The learned counsel for the applicant pointed out the advertisement Exhibit-B (page No.35) showing Registration No.AF/20770/Beed Government of India Partnership ID No.MH/2010/0057233 Government of Maharashtra Registration No.SAN/MRJ/GNL/0/343/2004. Responding to the said advertisement, the informant and other students deposited lakhs of rupees for the aforesaid courses. Respondent No.2 is the Principal / Chairman of the institution, namely, Chhatrapati Maharaj College of Aviation

Technology. The learned counsel for the applicant pointed out that during investigation, it was revealed that the said college and institution is not registered and not affiliated with the Ministry of Aviation and Tourism department of the Central Government or the State Government. However, respondent No.2 was released on bail without considering that aspect.

7 The learned counsel for the applicant relied upon the judgment in the case of ***Ajwar Vs. Waseem and another, [2024] 5 S.C.R. 575***, in which the Honourable Supreme Court in paragraph No.28 held as under:-

“28. The considerations that weigh with the appellate Court for setting aside the bail order on an application being moved by the aggrieved party include any supervening circumstances that may have occurred after granting relief to the accused, the conduct of the accused while on bail, any attempt on the part of the accused to procrastinate, resulting in delaying the trial, any instance of threats being extended to the witnesses while on bail, any attempt on the part of the accused to tamper with the evidence in any manner. We may add that this list is only illustrative and not exhaustive. However, the court must be cautious that at the stage of granting bail, only a prima facie case needs to be examined and detailed reasons relating to the merits of the case that may cause prejudice to the accused, ought to be avoided. Suffice it is to state that the bail order should reveal the factors that have

been considered by the Court for granting relief to the accused.”

8 The learned counsel for the applicant pointed out various documents establishing the essential ingredients of Section 420 of the IPC against respondent No.2. He pointed out the order granting of bail to the respondent No.2, particularly, paragraph No.9 of the said order. He further pointed out the argument canvassed on behalf of the prosecution for rejecting the bail application and submitted that in the said order, the learned Additional Sessions Judge has not given reasons regarding non-registration of the said institution with the Ministry of Aviation and Tourism department, which is the crux of the matter.

9 The learned counsel for the applicant further pointed out the NC dated 9th September, 2023 registered at the instance of the informant that the unknown person stopped him and threatened to take back the case registered against respondent No.2. He twisted his hand, abused and also threatened to eliminate him and his friend. He lastly submitted that, considering all these aspects, the present application deserves to be allowed and the bail granted to respondent No.2 deserves to be cancelled.

10 The learned APP for the State supported the arguments of

the learned counsel for the applicant and submitted that the said institution is not registered with the Ministry of Aviation and Tourism department. It is lastly prayed to allow the application and cancel the bail granted to respondent No.2.

11 Perused the charge-sheet and order dated 10th April, 2023 granting bail to respondent No.2.

12 On perusal of the said order, it is crystal clear that the learned Additional Sessions Judge has not considered in its reasoning that the said institution of respondent No.2 is not registered with the Ministry of Aviation and Tourism department, which is *sine qua non* for running such institution and this amounts to supervening circumstances or rather decisive circumstances for proceeding against respondent No.2 with the criminal case. This was not considered.

13 The second ground is of threatening to the informant when respondent No.2 was released on bail. There is N.C. No.271 of 2023 dated 9th September, 2023 registered at the instance of the informant, which shows that respondent No.2 has threatened the informant through another person and the informant's hand was twisted. At that time, the informant was threatened to be killed. Thus, there is breach of condition of bail granted by learned Additional Sessions Judge to respondent No.2 that he shall not directly or indirectly threaten the

prosecution witnesses. Thus, on the breach of condition imposed at the time of granting bail to respondent No.2 by learned Additional Sessions Judge and as per the law laid down by the Honourable Supreme Court in the case of ***Ajwar Vs. Waseem and another*** (supra), the present application deserves to be allowed. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The bail granted to respondent No.2 by the learned Additional Sessions Judge, Court No.3, Nanded, by order dated 10th April, 2023 passed in Criminal Bail Application No.191 of 2023, is hereby cancelled and respondent No.2 is directed to surrender before the Trial Court on or before 19th September, 2025.
- III. If respondent No.2 fails to surrender before the Trial Court, the Trial Court may proceed further against him by issuing NBW etc.
- IV. The learned Trial Court is further directed to recover an amount of PR bond of Rs.50,000/- from respondent No.2 for breach of condition of bail granted to him, as per law.

[SANJAY A. DESHMUKH, J.]