



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR CANCELLATION OF BAIL NO. 40 OF 2024

Prashant S/o Rajendra Badhe,
Age: 31 Years, Occ: Service.
R/o: Vadner Haveli, Parner,
Tq. Parner, Dist. Ahmednagar.

..Applicants

VERSUS

1. The State of Maharashtra
Through: In-charge Police Inspector,
Parner Police Station,
Tq. Parner, District Ahmednagar.
2. Vijay S/o Annasaheb Pawar,
Age: 24 Years, Occup: Agri,
R/o: Pokhari, Tq. Parner,
Dist. Ahmednagar.
3. Dnyandeo S/o Somnath Wakale,
Age: 21 Years, Occup: Agri/Education,
R/o: Pokhari, Tq. Parner,
Dist. Ahmednagar.
4. The Superintendent of Police,
Ahmednagar.

..Respondents

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Advocate for Applicant : Mr. Chormal Ajit B.
APP for Respondent/State : Ms. P.J. Bharad
Advocate for Respondent Nos.2 & 3 : Mr. S.P. Tiwari

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CORAM : MEHROZ K. PATHAN, J.
DATE : NOVEMBER 14, 2025

PER COURT:

1. The applicant has filed the present application for
cancellation of bail, who is complainant in Crime No.1135 of 2023
registered with Parner Police Station, District Ahmednagar for the

offences punishable under Sections, 409, 420, 465, 467, 468, 477-A r/w 34 of the Indian Penal Code.

2. The case of the prosecution was that the complaint is lodged by informant Prashant Rajendra Bade, Managing Director of Sai Multi State Co-operative Agricultural Society Ltd., Parner, contending that, accused persons were working in said Sanstha. Accused persons in furtherance of their common intention fabricated documents, forged and manipulated signatures of concerned customers and fraudulently withdrawn amounts from the accounts of various customers. They have also defalcated the huge amount of Society which was deposited by customers and disbursed by way of loan to various customers. They have defalcated amount of Rs.12,58,093/- ps. Thus, accused persons have cheated the Society and customers of said Society. Accordingly, the Crime was registered.

3. It is the contention of the learned counsel for the applicant that anticipatory bail application was immediately filed by respondent nos.2 and 3 herein after registration of the F.I.R. and after considering in detail the *modus operandi* adopted by the two accused Vijay and Dyandeo in commission of the said crime of cheating and forgery, the learned Sessions Court was pleased to reject the said bail application vide order dated 22.12.2023.

4. It is his further submission that despite the said application being rejected by the learned Additional Sessions Judge, Ahmednagar

vide order dated 22.12.2023, respondent nos.2 and 3 herein have again filed another application being Criminal Bail Application No.2064 of 2023. The learned Additional Sessions Judge, Ahmednagar had thereafter again entertained the said application and passed the impugned order dated 16.01.2024, granting anticipatory bail to respondent nos.2 and 3 herein, despite of the fact that earlier bail applications were rejected by the very same Court.

5. The two fold submissions advanced by the learned counsel for the applicant seeking anticipatory bail are first on merits and another ground is that of non-compliance of order dated 16.01.2024. On merits, the submission propounded by the learned counsel for the applicant is that the learned Sessions Judge ought not to have entertained the second bail application after having rejected the first anticipatory bail application vide order dated 22.12.2023. However, the learned Sessions Judge has not even discussed the fact that the subsequent bail application being Criminal Bail Application No.2064 of 2023 was a second bail application, filed by these very same applicants. This fact of the earlier bail applications being rejected was not brought to the notice of the Court and therefore, this Court can interfere in the impugned order thereby cancelling anticipatory bail granted to respondent nos.2 and 3 herein. The other grounds raised by the applicant for cancellation of bail was that anticipatory bail was granted to respondent nos.2 and 3 herein vide order dated 16.01.2024 by imposing condition of depositing 50% of the

amount as undertaken by them, as mentioned above. The said condition is also not complied by respondent nos.2 and 3 as 50% of the amount was not deposited by the applicants therein. This is also a ground upon which this Court can interfere as there is non-compliance and violation of condition laid down by the learned Additional Sessions Judge vide order dated 16.01.2024 for grant of bail.

6. As against this, learned counsel for respondent nos.2 and 3 submits that the respondents though have filed earlier bail application being Criminal Bail Application No.2005 of 2023; however the title of second application being Criminal Bail Application No.2064 of 2023 would show that it was a second criminal bail application. In the title also, it is mentioned as “Second Application for Anticipatory Bail Application U/S. 438 of C.R.P.C.” It is further submission of the learned counsel for respondent nos.2 and 3 that in the body of the application also, it was inserted in bold letters that present application was second anticipatory bail application filed on the change in circumstances that Patsanstha was not ready to accept the amount and therefore, the second bail application was being filed.

7. In so far as non-compliance of the order dated 16.01.2024 is concerned, it is submitted by the learned counsel for respondent nos.2 and 3 that accused Vijay Pawar has deposited an amount of Rs.6,09,682/- out of the alleged defalcated amount of Rs.12,58,093/- and another accused Dyandeo Wakale has deposited an amount of Rs.4,09,738/-.

Thus, even the condition stands complied with and as such, there is no ground for interference of this Court in the present application seeking cancellation on bail.

8. The learned APP also submits that looking to the record, appropriate orders may be passed by this Court.

9. It is almost a settled law by the Hon'ble Supreme Court in the case of **Puran Vs. Rambilas and Another** reported in **(2001) 6 SCC 338**, that the scope of interference in the orders granting bail by this Court is very narrow and as such, the liberty granted to the accused cannot be curtailed by interfering on mere askance. The order granting bail can be interfered only if there are supervening circumstances or if important information is suppressed. The perusal of second successive bail application being Criminal Bail Application No.2064 of 2023, a copy of which is already annexed to the reply filed by respondent nos.2 and 3 would show that there is specific mention in bold about the application being second bail application for anticipatory bail. Thus, there is no suppression of the earlier rejection order. Moreover, the acknowledgment of the amount deposited with the bank is also filed along with the reply of respondent nos.2 and 3, which shows that accused Vijay Pawar has deposited an amount of Rs.6,09,682/- and accused Dyandeo Wakale has deposited an amount of Rs.4,09,738/-.

10. Thus, in my opinion, there is no fallacy in the impugned order passed by the learned Sessions Court. The learned Sessions Court

has applied its mind to the application filed by respondent nos.2 and 3 and has entertained the second successive bail application filed on undertaking by respondent nos.2 and 3 that they would be depositing 50% of the defalcated amount. True it is that the Courts cannot act as recovery agent. However, as the order is already passed by the learned Sessions Court by application of mind as the applicants have shown willingness to deposit 50% amount and further directing respondent nos.2 and 3 to deposit the amount to which respondent nos.2 and 3 has also adhered the compliance of, I am not inclined to interfere with the present application.

11. The application stands rejected.

(MEHROZ K. PATHAN, J.)