



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR CANCELLATION OF BAIL NO. 47 OF 2024

XYZ

... Applicant

Versus

1. The State of Maharashtra,
Through Police Inspector,
Shivaji Nagar Police Station,
Beed, Tq. & Dist. Beed.

2. Yogesh Bandu Mhaske,
Age : 30 years, Occu. : Labour,
R/o. Tirupati Colony, Ambika Chowk,
Pangri Road, Beed, Tq. & Dist. Beed.

... Respondents

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Mr. Anil M. Gaikwad, Advocate for Applicant.

Mr. V. M. Chate, APP for Respondent – State.

Mr. A. N. Nagargoje, Advocate for Respondent No.2.

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 21 APRIL 2025

PRONOUNCED ON : 23 APRIL 2025

ORDER :

1. Instant application is for cancellation of bail granted to respondent no.2 in Crime No.0055 of 2023 registered at Shivaji Nagar Police Station, Beed for offence punishable under sections 376, 376(2)(N), 323, 506 of Indian Penal Code and under sections 66(D) and 66(E) of the Information Technology Act, 2000.

2. Learned counsel pointed out that, informant is a

married lady. That, applicant developed contact with her and started chatting with her and he created false messages and started threatening her, took her out, initially beat her and had forcibly sexual relations with her and further threatened to disclose it to her family members. Because of threats, finally she lodged report.

3. Learned counsel submitted that, respondent no.2 was arrested and applied for bail and this court by order dated 03.08.2023 granted bail by imposing specific condition that he should not contact the victim or any other relatives of the victim till conclusion of trial. However, he misused the liberty and flouted the bail condition, and therefore, informant was constrained to apply for cancellation of bail vide ACB No. 172 of 2023. That, this court had rejected the application, but had again directed that applicant should not enter Beed Taluka for a period of eight months.

4. It is further pointed out that, applicant has again breached the condition and has entered the Beed Taluka jurisdiction and attempted to influence complainant. That, N.C. to that regard has been filed. Thus, according to learned counsel, repeatedly bail conditions are flouted and moreover attempts are

made to threaten and pressurize informant for lodging report.

5. Learned APP has opposed on the ground that respondent no.2 has deliberately breached the bail conditions, not once, but twice. That, there are CCTV footages. That, there is clear attempt to contact with victim and influence her decision. Therefore, he supports prayer for cancellation.

6. Learned counsel for respondent no.2 opposed by submitting that, this is sheer attempt to seek cancellation of bail by playing various tactics at various times i.e. with ulterior motive to see that benefit of bail is withdrawn. He pointed out that, applicant was called by his Advocate and it was learnt that complaint has been lodged at Police Station, and therefore, he also visited police station. In that regard, there was no attempt to contact victim. He pointed out that, visit was merely paid to police station and not to other place. However, learned counsel undertakes to be more careful hereafter also.

7. It is emerging from above discussion that, present respondent no.2 came in contact with informant/applicant. Informant seems to have lodged report with Shivajinagar Police Station on 10.02.2023 alleging forceful rape by blackmailing her.

Papers show that this court by order dated 03.08.2023 had granted bail in Bail Application No.1243 of 2023. Application for cancellation of bail was preferred by present applicant / original informant alleging breach of condition and threats by applicant. However, this court by order dated 19.12.2023 dismissed the application for cancellation of bail with further directions that applicant shall not enter Beed Taluka for eight months from the date of order. Now, fresh N.C. is filed on 24.02.2024 alleging that when informant was going with her family, applicant approached them in the afternoon and threatened to take back the complaint.

8. No doubt, there is N.C. on record. However, explanation has been offered that on call by Advocate respondent no.2 had entered Beed Taluka jurisdiction, which was prohibited for him. Statement is made across the bar that, there was no threat as alleged, but he had approached police station on learning about false complaint being filed against him. CCTV footage placed on record is also of the police station premises. Therefore, it is possible that applicant must have come to Beed Taluka Police Station to contact his advocate. As stated above visit is at the Police station. N.C. is about respondent no.2 approaching informant on the way, when she was going with her family. *Prima facie*, meeting could be a chance meeting and no attempt was made by other mode to

contact, by going home or making any phone call. Oral undertaking has been given by respondent no.2 that henceforth he would be more careful and would not commit breach of conditions. Resultantly, relief of cancellation of bail is turned down.

9. The application is rejected.

(ABHAY S. WAGHWASE, J.)