



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

CRIMINAL WRIT PETITION NO. 398 OF 2025

SATISH DANIYAL BHALERAO
VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Petitioner : Mr. Sandip R. Andhale

APP for Respondent No.1 : Mr. S. B. Jadhav

Advocate for Respondent No.2 : Mr. Rahul A. Tambe

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CORAM : KISHORE C. SANT, J.

DATE : 25-06-2025

PER COURT:-

1. Heard the learned counsel for the petitioner, the learned A.P.P. for the State and the learned counsel for respondent No.2 for some time. The petition is taken up for final disposal by consent of the parties.

2. This petition challenges an order passed by the learned Additional Sessions Judge, Shrigonda, District Ahmednagar, below Exhibit-1 in Criminal Miscellaneous Application No.9 and 11 of 2025, dated 25.02.2025, cancelling the anticipatory bail granted to the present petitioner by order dated 03.12.2024 in Criminal Miscellaneous Application No.718 of 2024 passed by the same Court. Thereafter, both the prosecution as well as the informant

filed criminal miscellaneous applications seeking cancellation of bail of the petitioner. The informant has filed Criminal Application No.9 of 2025, whereas the State has filed Criminal Application No.11 of 2025.

3. The facts, as alleged in the First Information Report ("F.I.R.") are that the land belonging to one trust is sold to another trust without following procedure under Section 36 of the Maharashtra Public Trusts Act. It is also alleged that while transferring the land, no formalities were completed. The transfer of land is totally illegal.

4. Present petitioner, smelling that the offence is likely to be registered, applied for bail in the event of his arrest and the same was granted by order dated 03.12.2024. First Information Report came to be lodged thereafter on 16.01.2025. In the investigation, it was found that there is some material against the present petitioner, and therefore, the application for cancellation of bail came to be filed by the State and also another application by the informant.

5. The learned Sessions Judge considered the case on merits. It is observed that the present petitioner had obtained bail order by suppressing material facts. In the application, he has posed that he is working as a clerk in the school run by the trust, whereas it is revealed in the investigation that he has played active role in

transferring the land in favour of another accused, namely, Sandipan Kisan Tupare. Lateron, he also published a notice posing himself to be the Chairman/President of the trust. Initially he had filed objection to transfer by filing application to Talathi. Thereafter, the Talathi effected the entries in the regular record.

6. Learned counsel for the petitioner vehemently argued that the learned Additional Sessions Judge has wrongly cancelled the bail. Once the bail is granted, the same could not have been cancelled by considering the merits of the matter. Considerations for cancellation of bail are totally different like, violation of condition of bail, bringing pressure on the prosecution witnesses, trying to interfere with the investigation, etc. In his submission, in the present case, none of these things are shown. The learned trial Court has wrongly considered the case on merits and cancelled the bail. He, thus, prays for allowing the petition.

7. Learned A.P.P. vehemently opposed the petition. He submits that the petitioner had applied for anticipatory bail even prior to registration of F.I.R. which shows his criminal mind. When anticipatory bail was granted even the prosecution was not armed with any material against him. It is only after lodging of the F.I.R. and during the course of investigation, the role of the petitioner was unearthed. It is, for this reason, the prosecution has filed application for cancellation of bail. Unless the custody is directed,

no proper investigation would be possible. Till now, the investigation is in progress. So far as the present petitioner is concerned, though the chargesheet is filed against other accused persons, against this petitioner a report is shown under Section 299 of the Code of Criminal Procedure, as he is absconding. He submits that unless custody is taken, police would not be in a position to complete the investigation. He, thus, prays for rejection of petition.

8. Mr. Tambe, learned counsel appearing for the informant submits that initially the petitioner had suppressed the fact about his role in the alleged transfer of land. Before the Court he had only posed that he is a clerk in one of the institutions of the trust. However, proclamation published in the newspaper shows that he is posing himself to be the President of the trust, viz, Conference of the Churches of Christ in Western India. When he is posing himself to be the President of the trust, no transfer of the land could have been possible. He, thus, submits that though no document is executed by him. It was not possible without his consent and active participation. During the course of arguments, it is pointed out that Anticipatory Bail Application of another accused, namely, Deepak Namdev Gaikwad came to be rejected by the trial Court as well as by this Court. The said order was also carried to the Honourable Supreme Court. The Honourable Supreme Court did not interfere with the order passed by this Court in case of Deepak

Namdev Gaikwad. He further informs that first bail application was filed by giving incorrect information and that is also a ground to cancel the order of bail. It is clear that he has facilitated the offence and it is for this reason, the Court has rightly passed the order and no interference is required.

9. After hearing the parties, this Court finds that the applications were filed by the State and the informant for cancellation of bail on merits. It was open for the parties to challenge the order granting bail on merits by approaching this Court. For cancellation of bail, the considerations are different. In the present case, it is seen that the learned Additional Sessions Judge has considered the merits of the matter and after hearing cancelled bail. A grave and serious case is required for cancellation of bail as cancellation of bail amounts to taking away liberty of person, once having been granted. However, the F.I.R. has been lodged on 16.01.2025 and the informant as well as the prosecution have filed applications for cancellation of bail No.9 and 11 of 2025 on 05.02.2025 and 12.02.2025, respectively. No overwhelming reasons are shown for cancellation of bail.

10. The Court finds that the learned Sessions Judge has lost sight that no considerations for cancellation of bail are seen in the present matter and passed the order on merits. Considering all the above facts, this Court is inclined to allow the petition.

Hence, the order:-

ORDER

- (i) The Criminal Writ Petition is allowed.
- (ii) The order passed by the learned Additional Sessions Judge, Shrigonda, District Ahmednagar, below Exhibit-1 in Criminal Miscellaneous Application No.9 and 11 of 2025, dated 25.02.2025, stands quashed and set aside. However, it is made clear that the petitioner shall attend the concerned police station as and when called by the Investigating Officer.
- (iii) Pending criminal application, if any, stands disposed of.

[KISHORE C. SANT]
JUDGE

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