



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR CANCELLATION OF BAIL NO. 56 OF 2024

Ibrahim Pi. Ali Sayyad,
Age : 65 Years, Occu. : Agriculture,
R/o. Ukhalad, Tq. Parbhani,
Dist. Parbhani.

..... Applicant

Versus

1. The State of Maharashtra
Through the Police Incharge,
Palam Police Station, Palam,
Tq. & Dist. Parbhani.
2. Ganesh S/o. Satish Bhusare,
Age : 21 Yrs., Occu. : Agriculture,
R/o. Ukhalad, Tq. Parbhani,
Dist. Parbhani.
3. Sunil S/o. Priraji Dasalwad,
Age : 18 Yrs., Occu. : Agriculture,
R/o. Ukhalad, Tq. Parbhani,
Dist. Parbhani.

..... Respondents
(Nos.2 & 3 are Original
Accused Nos.2 & 3)

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Advocate for Applicant : Mr. Rajendraraa Deshmukh, Senior Counsel
i/b Mr. Devang R. Deshmukh
APP for Respondent No.1-State : Mr. P.K. Lakhotiya
Advocate for Respondent Nos.2 & 3 : Mr. Swapnil S. Rathi

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AND

APPLICATION FOR CANCELLATION OF BAIL NO. 57 OF 2024

Sayyad Atiq S/o. Ibrahim Sayyad,
Age : 35 Years, Occu. : Agriculture,
R/o. Ukhalad, Tq. Parbhani,
Dist. Parbhani.

..... **Applicant**

Versus

1. The State of Maharashtra
Through the Police Incharge,
Palam Police Station, Palam,
Tq. & Dist. Parbhani.
2. Rajesh S/o. Subhash Bagal,
Age : 25 Yrs., Occu. : Agriculture,
R/o. Ukhalad, Tq. Parbhani,
Dist. Parbhani.

..... **Respondents**
(No.2 is Original
Accused No.1)

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Advocate for Applicant : Mr. Rajendrraa Deshmukh, Senior Counsel
i/b Mr. Devang R. Deshmukh

APP for Respondent No.1-State : Mr. P.K. Lakhotiya

Advocate for Respondent No.2 : Mr. Swapnil S. Rath

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CORAM : ABHAY S. WAGHWASE, J.

Dated : 22nd January 2025

ORDER :-

1. Both above applications are moved with prayers for
cancellation of bail granted to the respondents in Crime

No.229/2023, for offence under Sections 302, 120-B, 201 of the Indian Penal Code, in Criminal Miscellaneous Application (Bail) No.14/2024, dated 01.02.2024, by learned Additional Sessions Judge, Gangakhed, Dist. Parbhani.

2. Learned Senior Counsel for the applicants pointed out that, FIR was registered against the respondents on 11.10.2023 for above offences i.e. for conspiring, committing murder and caused disappearance of evidence. That, there was cogent, convincing and reliable evidence. That, the respondents moved an application for grant of regular bail and the same came to be allowed vide order dated 01.02.2024, by learned trial court. Learned senior counsel further pointed out that, while on bail, there is abuse and threat to the applicants at the hands of the respondents. That, N.C.R. was lodged against the present respondents. Consequently, according to him, here is breach of bail condition and so learned senior counsel prays to withdraw the benefit of relief of bail granted to the respondents.

3. Learned counsel for the respondents pointed out that, on complete appreciation of available police papers and as charge-sheet was filed, bail came to be granted to the respondents vide order dated

01.02.2024, by learned trial court. Learned counsel further pointed out that, subsequent N.C. is filed with ulterior motive. According to him, there is no sufficient cause to withdraw the liberty as granted.

4. After considering the above submissions and on going through the papers, it seems that, the present respondents were booked for commission of offence under Sections 302, 120-B, 201 of the Indian Penal Code, vide Crime No.229 of 2023. After filing of charge-sheet, bail came to be granted to the respondents, by learned trial court. Copy of impugned order dated 01.02.2024 shows that, after hearing both sides and on complete appreciation of police papers, bail seems to have been granted to the respondents by learned trial court. Though there is N.C., police machinery seems to have taken note of it. It is fairly settled position that, liberty was granted cannot be withdrawn without sufficient cause. N.C. is only for verbal abuse and is against only one accused and his father. Consequently, there is no reason to cancel or withdraw the relief of bail granted by learned trial court.

5. In view of above, both the applications stand rejected.

[ABHAY S. WAGHWASE, J.]