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905-APPLN-1484-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

905 CRIMINAL APPLICATION NO. 1484 OF 2025

Akshay Raosaheb Muknar And Others

VERSUS

The State Of Maharashtra

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Mr. P. S. Dikle h/f Mr. Shrikant G. Kawade, Advocate for Applicants.
Smt. C. C. Kutti, APP for Respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 10th JULY 2025.

PC :-

1. Heard Mr. Kawade, the learned Advocate for the Applicants, and Smt. Kutti, the learned APP for Respondent-State.
2. This application is filed challenging an order dated 9th April 2025, passed by the learned Additional Sessions Judge, Gangakhed, Dist. Parbhani, in Criminal Misc. Application No.3 of 2025, cancelling the pre-arrest bail granted to the present applicants. The applicants were granted protection by order dated 3rd March 2025, in connection with C.R. No.14 of 2025, registered with Pimpaldari Police Station by Ethape

allowing the Bail Application No.26 of 2025.

3. The State filed an application for cancellation of order of bail dated 3rd March 2025, on the ground that the applicants did not obey the condition of attending the police station, inspite of giving intimation to them by the police station. It was further stated that the informant and the present applicants are residing in the same locality and are neighbours. There is every apprehension of law and order situation. Further ground is that the custody is required for recovery of the weapons i.e. sickle, axe and iron rod. The learned Sessions Judge considered the application and cancelled the bail granted earlier.

4. Mr. Kawade, the learned Advocate for the applicants vehemently submits that for cancelling bail, already granted, overwhelming circumstances are required. So far as violation of condition of attending the police station, he submits that, in fact, the accused persons have attended the police station. Though they attended police station, no endorsement is given of attendance. He submits that the applicants are

ready even now to attend the police station whenever required for the purpose of investigation and shall co-operate with the investigating officer. A prayer is, therefore, made to quash and set aside the order dated 9th April 2025.

5. Smt. Kutti, the learned APP, vehemently opposed the application. She submits that the cancellation was sought on specific ground that the applicants violated the condition of attendance of police station. They are also not co-operating with the Investigating Officer. She submits, on instructions, that there has now been a recovery of weapons after first order came to be passed by this Court in this application. She also further submits that the applicants have, thereafter, attended the police station.

6. Considering the submissions, application for cancellation of bail and the order passed by the Court, this Court finds that the allegations were only about non-attendance of police station. The second ground was recovery of weapons. It needs to be kept in mind that when the

earlier order was passed by the same Court on 3rd March 2025, even at that time, there was no recovery and bail was still granted on merits. Once an application is allowed on merits, there need to be overwhelming circumstances. No such circumstances have been pointed out.

7. Now, it is seen that the applicants are attending the police station as per order passed by this Court. In the facts of this case, this Court finds that the application need to be allowed by setting aside the impugned order. The application is, therefore, allowed.

8. The impugned order cancelling bail, dated 9th April 2025, passed by the learned Additional Sessions Judge, Gangakhed, in Criminal Misc. Application No. 3 of 2025, is hereby quashed and set aside on following conditions.

(i) The applicants shall not enter the limits of Gangakhed Taluka except for attending the police station till filing of the charge-sheet.

(ii) The applicants shall attend the concerned police station as and when called for by the Investigating Officer.

(iii) The applicants shall not tamper with the prosecution evidence and give threat to the first informant or any of the prosecution witnesses.

(iv) The applicants shall furnish their contact numbers and residential addresses to the Investigating Officer and shall keep them updated, in case there is any change.

(v) It is made clear that if now onwards the conditions are flouted, their bail shall be liable to be cancelled.

[KISHORE C. SANT, J.]