



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

APPLICATION FOR CANCELLATION OF BAIL NO. 87 OF 2025

SANJAY JAGANNATH SHINDE

VERSUS

1. TUKARAM SHRIKISAN SHINDE

2. THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Pandurang S. Koshti
(Through Legal Aid)

APP for Respondents/State : Mr. P. D. Patil

Advocate for Respondent No.1 : Udan Vishal V.

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CORAM : MEHROZ K. PATHAN, J.

RESERVED ON : 12th DECEMBER 2025

PRONOUNCED ON : 19th DECEMBER 2025

ORDER :

1. The Applicant has filed the present application for cancellation of bail granted to the Respondent No.1 vide order dated 25.02.2025. Two grounds raised by the Applicant for cancellation of bail are as under :

(1) The accused/Respondent No.1 herein, has suppressed the fact that there was criminal antecedents of the Applicant and accused having no criminal antecedents was one of the grounds on which the bail was granted.

(2) The Respondent No.1 herein, has violated the condition imposed while granting bail by the learned Additional Sessions Judge vide order dated 25.02.2025, wherein the

Applicant/Tukaram (Respondent No.1 herein) was directed not to pressurize the witness and not to tamper with the evidence, however the Applicant/Tukaram has again indulged into another offence against the complainant /Applicant herein and the same is registered as FIR No.582/2025 dated 06.11.2025.

2. Thus on these two grounds, the Applicant/Sanjay is seeking cancellation of bail. It is the submission of learned Counsel for the Applicant that the fact that the Respondent No.1 was having criminal antecedents, were already put on record by the Applicant/Informant herein by filing its reply, wherein the Applicant/Informant has stated about the earlier offence registered against the Respondent/accused being FIR No.492/2024. A copy of the said FIR being No.492/2024 is also annexed with the application, wherein Respondent No.1 is an accused. Thus the finding of the learned Sessions Judge in Paragraph No.6 is assailed wherein the learned Sessions Judge has noted that the accused is not having any criminal antecedents and thus the said finding is perverse and the order dated 25.02.2025, granting bail to the accused, thus needs to be set aside by cancelling the bail granted to the Respondent No.1/Tukaram.

3. Insofar as the aforesaid ground of no criminal antecedents is concerned, it would be pertinent to note that the learned Counsel for the Applicant submits that though the Respondent No.1 having no criminal antecedents, was not the

only ground on which he came to be released on bail. The learned Sessions Judge has taken into consideration various other grounds like (a) police papers did not show any injury sustained by the informant (b) there was a delay in filing of the FIR.

4. It can be seen that though the date of occurrence of offences is shown as 12.03.2024, the FIR came to be registered on 10.02.2025. The complainant/Applicant herein has not explained the delay of almost one year in registering the FIR, which was lodged only on 10.02.2025. It is also considered by the Sessions Court that the offences alleged against Tukaram (Respondent No.1 herein) was not punishable with imprisonment for more than seven years. The observations of the Court that no criminal antecedents were reported against Tukaram relate only to the absence of any other offence indicating a criminal tendency on his part. The prior offence registered as FIR No. 492/2024 was the cause of the incident dated 12.03.2024, which resulted in the present FIR No. 42/2025. As seen from the first paragraph of the order dated 25.02.2025, wherein it is observed that the accused, Tukaram, who is the cousin uncle of the informant, had quarreled with the complainant on account of the filing of the earlier case in the police station i.e. FIR No.492/2024, and therefore the second incident occurred, leading to the registration of FIR No. 42/2025. Thus it cannot be said that the Sessions Judge had no knowledge of any prior antecedents. The observation that there

are no criminal antecedents against the accused indicates that no other bodily offence has ever been registered against him.

. Insofar as the registration of subsequent offence against the Respondent No.1/Tukaram is concerned, the learned Counsel for the Applicant submits that despite of the condition imposed by the Additional Sessions Judge in the order dated 25.02.2025, Respondent No.1/Tukaram not to pressurized the witness. The subsequent FIR is registered which is 582/2025 dated 06.11.2025. The condition no.(a) in the operative part is therefore violated. A copy of the FIR No.582/2025 is taken on record and marked 'X' for identification.

Insofar as the said ground is concerned, the learned Counsel for the Respondent No.1 submits that the perusal of the earlier FIR 492/2024 would show that there was a civil dispute going on between the Applicant and the Respondent No.1/accused, wherein the Applicant/complainant has objected to the distribution of the shares in the ancestral property of the Applicant and the accused person. The perusal of the recitals of FIR No. 492/2024 would itself show that the accused, Sakharam and Tukaram, had exchanged land with the uncle of the Informant, to which the informant had objected. On that ground, the accused allegedly assaulted him on 08.10.2023, which subsequently culminated in the filing of FIR No. 492/2024.

5. There is a property dispute, and the applicant/complainant is in the habit of filing repeated complaints against the accused persons, Sakharam and Tukaram. Even in the subsequent FIR No. 582/2025, the accused persons/Sakharam and Tukaram (Respondent No. 1 herein) were granted anticipatory bail by the learned Additional Sessions Judge vide order dated 10.12.2025, wherein the Court made the following observation: **“It is also noted that there is a history of previous complaints between the parties.”**

. A copy of the order dated 10.12.2025 is taken on record and marked as “Y” on record. Thus it is submitted that, taking into consideration the frivolous complaint filed by the applicant, the Disability Commissioner had also issued a notice to the applicant for making false complaints and misusing the benefits under the Act. A copy of such notice issued by the Disability Commissioner is produced on record and marked as “Z” on record. Thus it is submitted that taking into consideration the habit of the present Applicant/informant who is filing time and again frivolous complaint against the accused Respondent No.1 herein, the application has no substance and merits and liable to be rejected.

6. I have gone through the contents of FIR No. 42/2025 and the order dated 25.02.2025 passed by the learned Sessions Judge, Jalna, granting bail to Respondent No. 1. It could be seen that the learned Sessions Judge took into consideration

various factors, including the fact that the investigation papers do not show any injury sustained by the informant/applicant, Sanjay. It is also noted that there is considerable delay in filing the FIR. The incident admittedly occurred on 12.03.2024, whereas the FIR was filed on 10.02.2025. The learned Sessions Judge has further noted that the offences are not punishable with more than seven years imprisonment and nothing is to be recovered from accused Respondent No.1 herein. Hence the investigation can be completed without arrest of the Respondent No.1 and therefore the observations that no criminal antecedents are reported against the accused Respondent No.1 can thus be referred to the fact that there was no criminal offences registered by any other complainant as against the accused Respondent No.1 which would create an apprehension that the accused may indulge into any other offence if released on bail. The perusal of the first paragraph of the order dated 25.02.2025 itself suggests that the incident dated 12.03.2024 reported in FIR no. 42/2025, is shown to be a fall out of the earlier police complaint filed by the Applicant/Sanjay against Respondent No.1/Tukaram. Thus it cannot be said that the learned Sessions Judge was not aware of the earlier FIR No.42/2025 filed by the same Applicant/Sanjay against Respondent No.1. Thus, the contention that the Applicant suppressed the fact that Respondent No. 1, has no criminal antecedents does not hold good and is not sufficient to warrant interference with the well-reasoned order granting anticipatory bail to Respondent No. 1.

. Insofar as the ground no.2 is concerned, the subsequent offence dated 06.11.2025 registered as FIR No.582/2025 again shows that the incident has occurred on 01.11.2025 and there is five days delay in registering of the FIR. The Counsel for the Applicant submits that the Applicant has filed the complaint to the police station who has earlier registered as NC No.882/2025 on 01.11.2025 as the non-bailable offence under Section 92-B was not added in the said offence. Since the said offence was added later on, the offence was registered on 06.11.2025. The delay stands explained.

7. Be that as it may, the perusal of the record shows that the Applicant is in a habit of continuously filing complaint against Respondent No.1 accused herein. The Disability Commissioner had also issued a communication to the Applicant vide communication dated 15.10.2025 warning the complainant that the action would be taken against the complainant under the Disabilities Act, 2016. The perusal of the FIR shows that the Applicant is trying to take advantage of the disability suffered by him by regularly invoking Section 92-B against the present Respondent No.1. The FIR No.492/2024 shows that the only non-bailable offence registered against Respondent No.1 is Section 92-B of the Disabilities Act, 2016. The FIR No. 42/2025 also shows that the Section 92-B of the Disabilities Act, 2016 was invoked by the Applicant against the accused Respondent No.1. The FIR No.582/2025 i.e. subsequent offence dated 06.11.2025 is again registered under

Section 92-B of the Disabilities Act, 2016. The FIR No.492/2024 clearly shows that there was a dispute about partition of the ancestral property of the Applicant. Thus the false application of the Applicant cannot be ruled out and it is therefore for that reason the learned Sessions Judge, Jalna in its order dated 10.12.2025 was pleased to observe as under **“It is also noted that there is a history of previous complaints between the parties.”**

8. Thus taking into consideration the aforesaid facts, I am not inclined to interfere with the order granting anticipatory bail to Respondent No.1 dated 25.02.2025 passed in Criminal Bail Application No.164/2025. It is almost a settled law that an order granting bail cannot be cancelled mechanically and can be interfered with only on the basis of supervening circumstances. The Applicant has failed to make out any case for interference of this Court for cancellation of bail granted to the accused Respondent No.1 herein vide order dated 25.02.2025. The application therefore stands rejected and disposed of accordingly.

9. The fees of the Legal Aid Counsel for the Applicant is quantified as Rs.10,000/- to be paid by the Sub-Committee of the High Court Legal Aid Services.

MEHROZ K. PATHAN
JUDGE