



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2240 OF 2025

Vishal Sukhdeo Dandge,
Age-30 years, Occu- Service,
R/o. Aradkheda, Post. Jafrabad,
Tq. Jafrabad, Dist. Jalna

...**APPLICANT**
[Ori. Accused]

VERSUS

1. The State of Maharashtra,
Through Police Inspector,
Police Station, Chavani,
Tq. & Dist. Chh. Sambhajinagar,

2. XYZ.

...**RESPONDENTS**

Mr. M. M. Parbhane, Advocate for the applicant
Mr. D. B. Bhange, APP for the respondents/State
Mr. Mahindra Kocher, Advocate for the respondent

CORAM : ABHAY J. MANTRI, J.

DATE : 15th DECEMBER, 2025

ORAL JUDGMENT :

1. Heard. **Rule.** Rule is made returnable forthwith and heard finally with the consent of both parties.

2. The applicant being aggrieved by the order dated 17-06-2025 passed by the learned Additional Sessions Judge, Chhatrapati Sambhajinagar in Cri. Misc. Application No. 328/2024, thereby cancelling the anticipatory bail granted in Crime No. 156/2024 registered with Chawani Police Station, for offences punishable under

sections 376(2)(N) & 417 of the Indian Penal Code (for short, the '*IPC*'), has preferred this Application.

3. It appears that the informant has filed an application before the learned Additional Sessions Judge, under Section 439(2) of the Cr. P. C. for cancellation of the bail. The learned Additional Sessions Judge, after considering the material produced before her, cancelled the bail granted to the applicant for his breach of the condition imposed by the order dated 06-04-2024. Therefore, the applicant has filed this application.

4. This court, by order dated 30-06-2025, granted ad-interim relief in terms of prayer clause (C) on condition that he shall not contact any of the witnesses of the prosecution or the informant, and he shall attend the police station as and when required.

5. Similarly, during the hearing on 04-12-2025, the learned advocate for the respondent and learned APP drew my attention to the NC report. Thereafter, on query, the learned advocate for the applicant submitted that the applicant is ready to file affidavit-cum-affidavit, contending that *'he will not threaten the complainant or her family members nor try to contact her at any time for any reason till the conclusion of the trial'*. Therefore, the matter was adjourned today. Today, the learned advocate for the applicant has tendered across the bar an affidavit-cum-undertaking of the applicant, Vishal

Dandge, which is taken on record and marked as 'X' for identification purposes. I would like to reproduce paragraph 4 of the said undertaking:

"4. That, by way of this affidavit, I undertake that I will not meet the informant /respondent in any manner in future. I also undertook not to contact her or pressurise her to withdraw the case. I also undertake to provide my residential address to the nearest police station. I also undertake not to keep any relationship with the informant in future. I will not hamper the investigation or tamper with any prosecution witness in any manner in the case."

6. By this affidavit, the applicant has given an undertaking to this court that he will not meet the informant, nor contact her, nor pressurise her to withdraw the case. His undertaking, as stated in para 4, is accepted by this court.

7. The learned advocate for the applicant submitted that in view of the undertaking, the impugned order passed by the learned Additional Sessions Judge should be quashed and set aside till the conclusion of the trial, for which the learned advocate for the respondent No.2 and the learned APP for the respondent/State have strongly objected. However, in view of the undertaking and facts of the case, I do not find substance in their objection.

8. Considering the same, in my view, it would be appropriate to set aside the impugned order. As a result, the application is allowed. The impugned order dated 17-06-2025,

passed by the learned Additional Sessions Judge, Chhatrapati Sambhajinagar, in Cri. Misc. Application No. 328/2024 is hereby quashed and set aside.

9. Rule is made absolute. No order as to cost.

10. Needless to clarify that if the applicant has committed a breach of the undertaking, this court will take cognisance of the same.

11. The learned advocate for the respondent No.2 is appointed through the High Court Legal Services Sub-Committee, Aurangabad; therefore, his fees are to be quantified as per the rules.

[ABHAY J. MANTRI, J.]

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