



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

APPLICATION FOR CANCELLATION OF BAIL NO. 116 OF 2024

Gyaneshwar s/o. Pundlik Patil
Versus
The State of Maharashtra and others.

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Mr. N.R. Shaikh, Advocate for the applicant
Mr. Dhananjay B. Thoke, Advocate for respondent Nos. 3 to 6
Mr. P.D. Patil, APP for State.

CORAM : MEHROZ K. PATHAN, J.

**RESERVED ON : 5TH DECEMBER, 2025.
PRONOUNCED ON : 17TH DECEMBER 2025**

ORDER :-

1. The applicant has filed present application for cancellation of bail granted to the accused persons vide order dated 9.7.2024 passed by the learned Sessions Judge in Criminal Bail Application No. 600 of 2024 granting anticipatory bail to the respondent Nos. 3 to 6 in Crime No. 62 of 2024, registered with Mehunbare Police Station, Chalisgaon, Dist. Jalgaon.

2. The basic ground of challenge seeking cancellation is that looking to the nature of allegations which are serious in nature, the bail ought not have been granted. The accused had inflicted grievous injuries upon the complainant and thus, the observations of the learned trial court about injuries sustained by complainant are perverse to the evidence collected by the prosecution and hence, liable to be set aside.

3. It is the further submission of Shri N.R. Shaikh, that the the accused Nandkishor Patil belongs to a political party, therefore, there was every likelihood that the accused Nandkishor can hamper the

investigation if released on bail. This fact was not considered by the trial court while granting anticipatory bail to the respondent Nos. 3 to 6 and as such, the anticipatory bail granted to them needs to be cancelled.

4. The next submission made by Shri N.R. Shaikh is that, granting bail has led to tampering of evidence, inasmuch as, the accused persons have failed to give recovery weapons used in the commission of offence and as such, till date, there was no recovery as could be seen from the say of the prosecution filed before the learned Sessions Court. It is submitted that accused persons have rather destroyed the evidence and as such, the prosecution has added Section 201 of IPC against the accused persons while filing the charge sheet. Thus, the addition of Section 201 of IPC itself shows that the accused persons, after getting released on bail, have indulged into destruction of evidence and as such, the bail granted to the accused persons needs to be cancelled.

5. The last submission made by Mr. N.R. Shaikh is that applicants have suppressed the criminal antecedents against them. It is submitted that the accused Nand Kishor Patil had one offence registered against him i.e Crime No. 78 of 2015, at Mehunbare Police Station, Dist. Jalgaon. The other complaint is filed by Bhushan Dilip Patil against Nandu. However, no FIR was registered. It is also submitted that one Eknath Patil had filed a complaint against Nandu which is registered as Special Case No. 7 of 2018. Thus, taking into consideration aforesaid antecedents, the accused ought not to have been released on anticipatory bail.

6. The learned counsel Shri N.R. Shaikh vehemently emphasizes on the medical certificate issued by one Dr. Jagdish Borole, at Dhanwantari Hospital, Jalgaon to show that the injuries sustained by complainant Gyaneshwar were grievous in nature. The said fact was not

considered by the learned Sessions Judge while granting bail to the accused and it was observed by the learned Sessions Judge that the injuries are simple in nature, and as such, the finding is perverse to the evidence on record. He, therefore, submits that the bail granted to the accused persons may be cancelled.

7. As against this, the learned counsel for the accused persons seriously disputes the Injury Certificate obtained by the complainant from Dr. Jagdish Borole at Dhanwantari Hospital, Jalgaon, whereas, the incident has taken place at Chalisgaon and hence, the nearest Rural Hospital was at Chalisgaon and therefore, the complainant was examined at Chalisgaon Rural Hospital, and Injury Certificate shows injuries sustained by complainant as simple. The complainant has obtained a fraudulent certificate from the Doctor at Jalgaon showing the injuries sustained by him to be grievous and that too, after 2 days of the incident only to cancel the bail or reject the bail application. The informant was examined on the date of incident at Rural Hospital Chalisgaon, where, the injuries were shown to have been caused by Hard and blunt object, whereas, the complainant has managed to obtain a certificate showing that injuries were caused by a sharp weapon. It is further submitted that, surprisingly, the weapons are mentioned in the Weapon Column in the Injury Certificate issued by Dr. Jagdish Borole, which is never mentioned in the Injury Certificate. The weapon type is only mentioned in the medico-legal certificate showing the same as either Sharp or Hard or Blunt. The name of weapon mentioned in the injury certificate dated 13.3.2024, issued by Dr. Jagdish Borole has been fraudulently obtained by the complainant only with an intention to cancel the bail granted to the accused persons. The malafide act on the part of the complainant, shall not by itself be a ground for interference in the well reasoned order passed by the learned Sessions Judge, on the basis of evidence collected by the prosecution.

8. It is further submitted that the 4 accused persons were directed to attend the police station while granting interim orders, whereas, all the 4 accused persons have attended the police station and cooperated with the investigation. However, it is not necessary that the accused shall always give the recovery of weapons to the police authorities, as the same would amount to self-incriminating material.

9. It is further submitted that though the prosecution has added Section 201 of IPC at the time of filing of charge sheet, the entire charge sheet does not mention as to what evidence has been destroyed by the accused persons, which has led to addition of Section 201 of IPC.

10. I have considered the investigation papers made available for perusal of the Court, which has culminated in the form of charge sheet now, I have also considered the medical certificate issued by Dr. Jagdish Borole of Jalgaon after 2 days of the incident, and the medical certificate issued by the Rural Hospital, Chalisgaon. Thus, it can be seen that the applicant has obtained subsequent medical certificate dated 12.3.2024 from Dr. Jagdish Borole at Jalgaon which is 90 kilometer away from Chalisgaon, only with an intention to falsely create evidence for cancellation of bail granted to the accused persons.

11. The other ground raised by the applicant of tampering of evidence, there is nothing on record to show that accused persons have tampered with the evidence, which would substantiate the addition of Section 201 of IPC in the charge sheet. The learned APP was thus, put a query, to clarify as to how Section 201 of IPC is made out against the accused persons. After perusal of the entire charge sheet, the learned APP submits that there is no material in the charge sheet to substantiate the allegations against the accused so far as Section 201 of IPC is

concerned.

12. In so far as the ground of suppression of criminal antecedents is concerned, the applicant has relied upon 3 offences, one bearing No. 78 of 2015 at Mehunbare police station and another is Crime NO. 40 of 2016 at Mehunbare Police Station, against Nand Kishor Patil and a complaint filed against him dated 19.10.2016, however, no FIR was registered. It is almost a settled law that criminal antecedent by itself would not preclude the courts from granting anticipatory bail to the accused, taking into consideration the nature of allegation in crime. Thus, the criminal antecedents which are stale and are of the year 2015 and 2016 and that too, against accused Nand Kishor Patil, would not by itself be sufficient enough to interfere in the well reasoned order passed by the learned Sessions Judge, granting anticipatory bail to the accused persons. The learned Sessions Judge has observed that Injuries were simple in nature, relying upon the injury certificate issued by the Rural Hospital, Chalisgaon, issued on the date of incident, after examining the injured.

13. There is no supervening circumstance which could be said to be a ground for interference for cancellation of bail. It is a settled law that the scope of interference in cancellation of orders granting bail is very limited and narrow and can not be done at the mere askance. Thus, the applicant has failed to make out a case for interference for cancellation of Bail. The application for cancellation of bail is, therefore, rejected.

[MEHROZ K. PATHAN]

JUDGE.

grt/-