



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

**993 APPLICATION FOR CANCELLATION OF BAIL NO. 133 OF  
2025  
IN BA/1728/2024**

XYZ

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. H. V. Tungar along with Mr. H. B. Pawar, Advocate for Applicant  
Mr. K. K. Naik, APP for Respondent/State  
Mr. Abhay Ostwal, Advocate for Respondent No.2

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**CORAM : SANJAY A. DESHMUKH, J.**

**DATE : 09.09.2025**

**PER COURT :-**

1. This is an application for cancellation of bail granted by this Court in Bail Application No.1728 of 2024, dated 25.10.2024, to respondent No.2-Amol Dadasaheb Gande @ Dadasaheb Amol Janardhan Gande, R/o village Tandulwadi, Taluka Gangapur, District Chhatrapati Sambhajinagar, in FIR bearing Crime No.0246 of 2024, registered with Gangapur Police Station, District Chhatrapati Sambhajinagar, for the offences punishable under Sections 363, 366(A), 376, 376(3), 376(2)(n), and 109 of the Indian Penal and under Sections 4, 6, 8, 12 and 17 of the POCSO Act.

2. The learned advocate for the applicant pointed out two non-cognizable reports filed against respondent No.2: NCR No.535 of 2025 dated 18.06.2025 and NCR No.486 of 2025 dated 06.06.2025. He

further referred to a report lodged against respondent No.2 bearing CR No.328 of 2025 dated 07.08.2025, in which he is prosecuted under Sections 118 (1), 115(2), 352 and 351(3) of the Bhartiya Nyaya Sanhita, 2023. It is alleged therein that respondent No.2 assaulted and beat the applicant's father with an iron rod/tommy.

3. The learned APP also pointed out the injury certificate showing that the applicant's father sustained injuries. The learned advocates for the applicant and learned APP for respondent No.1 jointly submitted to cancel the bail granted by this Court.

4. The learned advocate for respondent No.2 strongly opposed the application.

5. Perused the order passed by this Court in Bail Application 1728 of 2024 dated 25.10.2024. One of the conditions of the final order was that the applicant shall not tamper with the evidence or pressurize the prosecution witnesses. However, the report lodged against respondent No.2 vide CR No. 328 of 2025 dated 07.08.2025 reveals that he assaulted the applicant's father with an iron rod/tommy and also gave fist and kick blows. It is further alleged that respondent No.2 attempted to pressurize the applicant's father to perform the marriage of his minor daughter with him. Respondent No.2 has misused the liberty granted by this Court in Bail Application No.1728 of 2024. If the bail is not cancelled, the accused may

again take undue advantage of the liberty granted by this Court and is likely to harass the informant and his minor daughter. Considering the serious nature of these allegations and the breach of bail conditions, his bail deserves to be cancelled. Hence, the following order:

**::ORDER::**

- a. The application is allowed.
- b. Bail granted by this Court by order dated 25.10.2024 in Bail Application No.1728 of 2024 is hereby cancelled. Respondent No.2 is directed to deposit Rs.50,000/-(the amount of his personal bond) in the Trial Court seized with the Special Case. Respondent No.2 is further directed to surrender before the Special Court on or before 16.09.2025. The Special Court seized with the matter is directed to recover the amount of Rs.50,000/- as per law.
- c. If respondent No.2 fails to surrender before the Special Court on or before 16.09.2025, the Special Court shall proceed against him to take him into judicial custody as per law.
- d. The learned advocate for the applicant is directed to provide a copy of this order to the Special Court immediately.
- e. Parties to act upon the authenticated copy of this order.

**[ SANJAY A. DESHMUKH, J. ]**