



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1708 OF 2025

Rohidas Satyadev Kawade,
Age : 35 Years, Occu : Driver,
R/o. Udaynagar, Gulmoharnagar,
Savedi, Ahilyanagar.

...PETITIONER

VERSUS

State of Maharashtra,
Through Police Inspector,
Tophkjhana Police Station,
Ahilyanagar

...RESPONDENT

Mr. Natu Sharad V., Advocate for the Petitioner.
Mr. D. B. Bhange, APP for Respondent – State.

CORAM : ABHAY J. MANTRI, J.
DATE : DECEMBER 22, 2025

ORAL JUDGMENT :

1. Heard. **Rule.** Rule is returnable forthwith and heard finally by learned counsel for the petitioner and the learned APP at the admission stage.

2. By this petition, the petitioner is challenging condition No. (viii) imposed by order dated 29th July 2025 passed by the learned Additional Sessions Judge, Ahmednagar, below Exhibit 4 in Special Case No.155 of 2025.

3. The learned counsel for the petitioner submitted that, in view of the judgment of the Hon'ble Apex Court in *Dilip Singh v. State of Madhya*

Pradesh and another, reported in (2021) 2 SCC 779 and the judgment of this Court in *Sheela Dinkar Pawar Vs. State of Maharashtra, reported in 2022 SCC OnLine Bom 2645*, the learned Sessions Court erred in imposing a condition on the petitioner to repay the loan amount standing in his name within six months. The said condition is contrary to the settled position of law, and therefore, he urged for deletion of the same from the impugned order.

4. It also appears that initially the petitioner had challenged the said order by filing a writ petition, which was withdrawn with liberty to approach the learned Sessions Court for seeking relaxation of the condition. Thereafter, the petitioner moved an application below Exhibit 20 before the learned Sessions Court seeking relaxation of condition No. (viii) imposed on him; however, the said application was rejected by order dated 11th November 2025. Consequently, the petitioner has preferred the present petition.

5. Having heard the learned counsel for the petitioner and the learned APP for the State, and having gone through the impugned order, the record and the judgments relied upon by the learned counsel for the petitioner, at the outset, it appears that imposition of condition No. (viii) by the learned Sessions Court appears contrary to the law laid by the Hon'ble Apex Court in *Dilip Singh (supra)* as well as by this Court in *Sheela Dinkar Pawar (supra)*. Therefore, the said condition is required to be set aside, as a Criminal Court exercising jurisdiction to grant bail or anticipatory bail is not

expected to act as a Recovery Agent to realise the dues of the complainant without any trial.

6. Thus, it appears that the petitioner's case is covered by the above-cited judgments. Therefore, in my view, it would be appropriate to modify the order dated 29th July 2025 passed by the learned Sessions Court to the extent of condition No. (viii) therein, by deleting the same.

7. Hence, I proceed to pass the following order :

- (i) As a result, the petition is partly allowed.
- (ii) The order dated 29th July 2025 passed by the learned Sessions Judge, Ahmednagar, is hereby modified to the extent that condition No. (viii), namely that the accused/applicant shall repay the loan amount standing in his name on the records of the said companies within six months from the date of his release, is deleted.

8. Rule is made absolute in the above terms. No order as to costs.

9. Inform the learned Trial Court accordingly.

(ABHAY J. MANTRI, J.)