

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 167 OF 2024

Rammanohar B. Yadav

...Applicant

V/s.

Ramagya J. Yadav & Anr.

...Respondents.

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Mr. Rammanohar B. Yadav, Applicant is in person.

Mr. Vishal M. Deshmukh for Respondent No.1.

Mr. V.N. Sagare, APP for the Respondent/State.

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CORAM : N.R. BORKAR, J.
DATE : 09.09.2025.

P.C. :

1. This application takes exception to the order dated 17th January 2024 passed by the learned Additional Sessions Judge, Borivali Division, Goregaon, Mumbai in Criminal Miscellaneous Application No. 18 of 2023 in Anticipatory Bail Application No. 86 of 2018.

2. The respondent No.1 herein apprehending his arrest in Crime No.169 of 2017 registered at Meghwadi Police Station for the offences punishable under Sections 465, 471, 474, 466, 468, 420, 34 read with 109 of the Indian Penal Code (for short "IPC") had filed the application for anticipatory bail before the Sessions Court. By the order dated 8th January 2018, the learned Additional Sessions Judge has allowed the said application and granted anticipatory bail to the respondent No.1 on the condition that the respondent No.1 shall not intimidate prosecution witnesses.

3. The applicant who is the first informant in the above crime alleging breach of the condition filed an application for cancellation of anticipatory bail. By the order impugned the learned Additional Sessions Judge has rejected the said application.

4. I have heard the applicant-in-person, the learned counsel for respondent No.1 and the learned APP for the respondent/State.

5. The applicant submits that the respondent No.1 breached the bail condition by threatening and assaulting him. It is submitted that the learned Additional Sessions Judge has rejected the application wholly on irrelevant grounds.

6. On the other hand, learned counsel for respondent No.1 has supported the order impugned.

7. I have perused the impugned order. In the impugned order, the learned Additional Sessions Judge has recorded the following findings:

“6. Having gone through the entire facts and circumstances, it revealed that there is dispute between the applicant and respondent no. 1 on co-operative housing society record and dispute. They are residing in the same society. It revealed that the applicant has already lodged report about the incident for which he prayed for cancellation of anticipatory bail. Moreover, he has filed Criminal Writ Petition and private complaint against respondent No. 1 in the court Metropolitan Magistrate. It is now well settled that bail may be canceled in any of circumstance when the accused misuses his liberty by

*indulging in similar criminal activity, interferes with the course of investigation, attempts to tamper with evidence or witnesses, threatens witnesses or indulges **in similar activities which would hamper smooth investigation or trial of that case**, or there is likelihood of his fleeing to another country. Thus, I do not find any of the circumstance to cancel the anticipatory bail. Subsequent alleged quarrel or incident, in the facts and circumstance, if considered for cancellation of anticipatory bail, then it would be injustice and accepting the accusation without trial. Thus, I am of view that in present case, there is no overwhelming circumstance which required cancellation of bail."*

8. In the facts and circumstances of the case, I am not inclined to interfere in the order impugned and cancel the anticipatory bail granted to the respondent No.1 in the year 2018. The Application is rejected.

[N.R.BORKAR, J.]