



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO.1108/2025

(Vitthal S/o Dattaram Ingole and others Vs. The State of Maharashtra, through its Police Station Officer, Police Station, Manora, Distt. Washim and another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A.A. Naik, Senior Advocate with Mr. Tejas S. Deshpande, Advocate for the applicants.

Ms. Trupti Udeshi, A.P.P for the non-applicant No.1/State.

Mr. N.R. Tekade, Advocate for the non-applicant No.2.

CORAM: MRS.VRUSHALI V. JOSHI, J.

DATED: 3.12.2025.

The applicants have filed this application to set aside the common order dated 21.7.2025 passed by the Additional Sessions Judge, Mangrulpir, District Washim cancelling the bail granted to the applicants.

2. The applicants were arrested in Crime No.613/2021 for the offence punishable under Sections 307 and 504 read with Section 34 of the Indian Penal Code.

3. The applicants were released on bail. In bail order, the condition was imposed not to enter village where the complainant and injured are staying. After relaxation of said condition, it is alleged that the applicants started pressurizing the witnesses and complainant by repeatedly threatening them. Thus, the applicants have committed breach of condition imposed by the trial Court while granting bail. The specific condition imposed in bail order against all the accused is that the accused shall not directly or indirectly make any attempt to influence the witnesses or otherwise tamper with the evidence and co-operate in the investigation. As per condition No.(h) breach of any condition will entail cancellation of bail and as per clause (i) the

accused will not involve in any crime in future. Further, it is alleged that after releasing the applicants on bail, they are threatening the witnesses and pressuring them to settle the matter. The complainant has lodged the complaints about the incidents with the police.

4. On the basis of N.Cs. registered against applicants the trial Court has cancelled the bail and the applicants are in jail since cancellation of their bail. The applicants have filed this application to set aside the said order passed by the trial Court.

5. It is argued by the learned Senior Advocate for the applicants that mere assertion of alleged threatening to the witnesses by the applicants should not be utilized for cancelling bail routinely. The trial Court has overlooked the fact that there is an ample scope for levelling such allegations against the applicants to nullify the bail granted to them. The trial Court was duty-bound to carefully weigh the acceptability of the allegations and thereafter pass necessary order. Only on the basis of non-cognizable complaints registered against the applicants bail was cancelled by the trial Court.

6. The applicants have relied on the judgment of the Hon'ble Apex Court in case of *Phireram V/s. State of Uttar Pradesh and another* reported in **2025 SCC OnLine SC 1915** wherein the Hon'ble Apex Court has elaborately discussed about the principles governing the cancellation of bail. The substance of the governing principles is that if the accused tampers evidence, threatens witnesses or attempt to subvert the trial, bail has to be withdrawn. This release is conditional not absolute and subject always to the larger interest of ensuring a fair trial. Considerations for cancellation of bail must always be on the basis of the well settled principles as discussed aforesaid. There

cannot be any extraneous considerations involved that are unknown to the law of bail. The Hon'ble Apex Court in *Mehboob Dawood Shaikh V/s. State of Maharashtra* reported in **(2004) 2 SCC 362** observed in para 11 as under:-

“11. Learned counsel for the appellant is correct on principles that mere assertion of an alleged threat to witnesses should not be utilized as a ground for cancellation of bail, routinely. Otherwise, there is ample scope for making such allegation to nullify the bail granted. The Court before which such allegations are made should in each case carefully weigh the acceptability of the allegations and pass orders as circumstances warrant in law. Such matters should be dealt with expeditiously so that actual interference with the ordinary and normal course of justice is nipped in the bud and an irretrievable stage is not reached.”

7. This Court in the case of *Nitin Shivdas Satpute V/s. State of Maharashtra through the Police Station Officer and another* reported in **2023 SCC OnLine Bom 2771** has observed that in non-cognizable offences also, the investigation is necessary. It is necessary for the Investigating Officer to approach the Magistrate to seek such permission. The learned Senior Advocate has stated that without verifying the N.Cs. which are lodged by the complainant, the bail is cancelled. In fact, earlier N.Cs. were registered on the complaints lodged by the applicants and to counter the same, complaints were lodged against these applicants. Veracity of the N.Cs. is not verified and, therefore, on the basis of said complaints, non-cognizable offences were registered and the bail is cancelled.

8. The learned Senior Advocate for the applicants has submitted that the cancellation of bail is a harsh order because it takes away the liberty of an individual granted and is not likely to be resorted to.

9. The learned A.P.P. opposed the application relying on the judgment of the Hon'ble Apex Court in the case of State of Kerala V/s. Suni @ Sunil (Special Leave Petition (Cri.) No.6238/2024) wherein it is elaborately discussed by the Hon'ble Apex Court that N.C. offences cannot be investigated without the order of Magistrate having power to try such offence. The discussion in said authority is about Section 195 of I.P.C. The learned A.P.P. has argued that the applicants have jumped the bail conditions imposed while granting bail and, therefore, the trial Court has rightly cancelled the bail. It is submitted that the applicant and the complainant including the witnesses, injured are residing in front of each other. The family members of injured are regularly threatened by the applicants and friends to the extent that they are unable to move out from their house and unable to attend any function in the village due to regular threatening and quarrel from the applicants to settle the matter amicably. Further, the applicants are regularly pressurizing the witnesses as to turn hostile at the time of evidence. It is submitted that Gajanan Ramdas Ingole is the main witness in the present crime. Said Gajanan Ingole is pressurized by filing false complaints against him at police station on 9.4.2023. Further, said Gajanan Ingole is working at M.S.R.T.C. The applicants have filed false complaint at M.S.R.T.C. Depot on 11.8.2023 making false allegations against said Gajanan Ingole.

10. Heard both sides and perused the record.

11. On perusal of record it appears that 3 N.Cs. are registered against the applicants. The complainant and the investigating agency filed an application before the Sessions Court for cancellation of bail granted to these applicants. It is the settled principle of law that the

power to cancel the bail has to be exercised judicially and not mechanically. Generally, grounds of cancellation include interference or attempt to interfere with the due cause or administration of justice. In the instant case, on perusal of the record, it appears that initially the applicants have filed N.Cs. against the non-applicant/complainant on 11.8.2023 and on 1.3.2025. The applicants have also approached the Depot Manager of M.S.R.T.C. where one of the non-applicants is working as a Driver. Allegations are made that he tried to put the bus on the person of one of the applicants and, therefore, he has lodged the complaint. It appears that thereafter N.Cs. were registered against these applicants. N.Cs. were registered on 21.8.2023 and 27.2.2024 on the complaints lodged by these applicants. Thereafter the non-applicants have lodged the complaints and on the basis of said complaints, N.Cs. were registered.

12. There is substance in the contention of the applicants that since the alleged offences were non-cognizable, the Investigating Officer had no opportunity of ascertaining or verifying the veracity of said allegations. It reveals from the record that without being satisfied that the applicants had in fact indulged in the alleged activities and then misused the liberty and violated the conditions of bail, the bail was cancelled. The counter N.Cs. were not considered by the trial Court while cancellation of bail. The applicants and the non-applicants are from one family and immediately after relaxation of condition not to enter the village, the complainant started complaining against the applicants. In view of above, it was necessary for the investigating agency to ascertain whether the applicants had in

fact misused the liberty or N.Cs. were filed by the first informant with an object of frustrating and defeating the bail order.

13. The bail was granted on merits of the matter. The trial Court has cancelled the bail and jeopardized the personal liberty of the individual without even ascertaining the veracity of the allegations made by the first informant and the witnesses in the said N.Cs. The Hon'ble Apex Court in *Dolat Ram V/s. State of Haryana* reported in **(1995) 1 SCC 349** has observed that bail once granted should not be cancelled in a mechanical manner without considering whether any supervening circumstances have arisen or the conduct of the accused post grant of bail demonstrates that it is no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during the trial.

14. In the case in hand apart from above said N.Cs. authenticity of allegations was not ascertained. There was no such circumstance to lead to the conclusion that the applicants were likely to tamper with the prosecution evidence, misuse the concession of bail and impede the cause of justice.

15. For the aforesaid reasons, the impugned order cannot be sustained. It is quashed and set aside.

16. The applicants - Vitthal S/o Dattaram Ingole, Harish S/o Vitthal Ingole, Dnyaneshwar S/o Vitthal Ingole and Ram S/o Vitthal Ingole shall be released on bail in Crime No.613/2021 for the offence punishable under Sections 307 and 504 read with Section 34 of the Indian Penal Code on furnishing PR. bond of Rs.25,000/- each with one or two solvent sureties.

17. The applicants are restrained from staying in the village where the non-applicant/complainant is staying till the conclusion of trial.
18. Bail before the trial Court.

(MRS.VRUSHALI V.JOSHI, J.)

Tambaskar.