IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

936 APPLICATION FOR CANCELLATION OF BAIL NO. 86 OF 2026

Abdul Karim Abdul Majid Salar ....Applicant

VERSUS

The State of Maharashtra & another .....Respondents

Mr. S. R. Dheple, Advocate holding for Mr. Akash Ingle, Advocate for the Applicant.
Ms. R. P. Gour, APP for the State.
Mr. A. G. Mulange, Advocate holding for Mr. J. V. Patil, Advocate for Respondent No. 2.

WITH
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CORAM : R. M. JOSHI, J.
DATE : 23rd OCTOBER, 2026.

PER COURT :

1. Applicant seeks cancellation of pre-arrest bail granted to the contesting Respondent by Additional Sessions Judge, Jalgaon, in Criminal Bail Application Nos. 137/2026 and 53/2026 vide orders

dated 27.02.2026 and 13.02.2026 respectively in connection with Crime No. 19/2026 registered with City Police Station, Jalgaon, for the offences punishable under Sections 61(2), 340, 339, 338, 318(4), 316(5), 3(5) of Bharatiya Nyaya Sanhita.

2. In short, it is the case of the prosecution that on the basis of First Information Report lodged by the Applicant herein, contesting Respondent mis-represented before this Court in Writ Petition No. 301/2022 for obtaining favourable order and on the basis of the said order, he took monetary benefits. There is allegation with regard to the order of the Education Officer being fabricated.

3. Learned Counsel for the Applicant submits that the contesting Respondent is a teacher and inspite of the said fact he is indulged into the act of commission of offence of creation of false record. It is his submission that having regard to the said allegation, for the purpose of recovery of said bogus documents and to enquire into the preparation thereof, custodial interrogation of the contesting Respondent would be necessary.

4. Learned Counsel for the contesting Respondent opposed the said contention by drawing attention of the Court to the fact that the order passed by this Court in Writ Petition No. 301/2022 has not been challenged till date. He drew attention of the Court to the observations made by the Sessions Court in paragraph No. 7 of the order.

5. Learned APP sought appropriate order in the facts of the case.

6. There is no dispute about the fact that pursuant tot he order passed by this Court in Writ Petition No. 301/2022, benefits were extended to the contesting Respondent. At this stage, it would be relevant to take note of the observations of the Sessions Court in paragraph No. 7 of the order which read thus :-

> "7. Considering rival submissions in my opinion in the said judgment itself, the parameters for granting anticipatory bail has been laid down in the paragraph No. 37 of Hon'ble Apex Court. The first condition is that there should be prima facie reasonable ground to prove that the accused have committed the offence. The statement of the education officer Devidas Mahajan itself discloses that he is a suspicion about his signature. He is not sure about his signature. Moreover the nature and gravity of the

accusation I..e the punishment provided to the offence is up to 07 years. The accused is the permanent resident of the Jalgaon and there is no question of absconding of this accused in future. The character and behaviour of the present applicant/accused shows that he is working as a teacher. This offence is not a general offence and there is no chances of repeating of the said in future. In such circumstances when the remaining accused are enlarged on anticipatory bail, there would no use of physical interrogation of the present accused. Present accused is entitled to be released on anticipatory bail subject to conditions."

7. These observations clearly indicate that even the Education Officer does not specifically deny his signature. He only raises suspicion about the same. Having regard to the said fact, this Court finds no reason to cause interference in the impugned orders. Hence, both the applications stand dismissed.

(R. M. JOSHI, J.)

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