IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

933 APPLICATION FOR CANCELLATION OF BAIL NO. 160 OF 2024

Tilokchand Phulchand Chudiwal ....Applicant

VERSUS

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

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Mr. A. A. Shaikh, Advocate holding for Mr. R. V. Gore, Advocate for Applicant
Mr. P. J. Bharad, APP for the State.
Ms. S. A. Kothari, Advocate for Respondent No. 2.

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

PER COURT :

1. This is an application for cancellation of pre-arrest bail granted by Additional Sessions Judge, Aurangabad, in Criminal bail Application No. 1654/2024 by order dated 14.08.2024.

2. The only contention of learned Counsel for the Applicant/original informant is with regard to non return of amount of Rs. 90,000/- by the contesting Respondent/accused. In order to support his submissions, he drew attention of the court to the transcript of CCTV indicating that on the date of the incident, contesting Respondent took away bag from the servant of the

Applicant. It is his contention that the bag was returned without returning amount of Rs. 90,000/-. It is his contention that the Sessions Curt has failed to consider the said fact and wrongly granted pre-arrest bail to the contesting Respondent.

3. Learned Counsel for contesting Respondent/accused submits that on the first available opportunity, the Applicant/informant in written complaint made to the police never alleged amount of Rs. 90,000/- not being returned by the accused to him. It is her contention that this is nothing but after thought. She drew attention of the Court to the observations made by the Sessions Court in paragraph Nos. 6 and 7 of the order while granting pre-arrest bail to the contesting Respondent.

4. Learned APP seeks appropriate order in the facts of the case.

5. There is allegation in the First Information Report that on the fateful day, Respondent/accused took away bag from the servant of the informant. There is no dispute about the fact that on the same day the bag was returned by her to the said servant. Pertinently, immediately after occurrence of the said incident, a written complaint

was made by the informant/present Applicant to the police wherein there is no grievance made with regard to non return of amount of Rs.90,000/- by the accused. It is at belated stage such plea is sought to be raised. In this backdrop, it would be relevant to take note of observations made by the Sessions Court in paragraph Nos. 6 and 7 of the order impugned which read thus :-

> "6. The divorce by mutual consent of son of informant and applicant was obtained on 11.08.2023. From police record it appears that the statements of witnesses recorded. The applicant took bag of amount and thereafter, quarrel between applicant and her mother-in-law took place and they were abusing shouting loudly. After incident many people gathered at said place and some people intervened the quarrel and there was amicable settlement between them and applicant given bag and key of shop to Vinod, who is servant of informant. Form the CCTV footage transcript panchanama also confirm the presence of applicant and one boy and one girl. Further it appears that after incident many people gathered and also police came at said place and there was meeting of their community and there was settlement and members from family of accused accepted their mistake. Though the settlement took place at said place,the informant has not raised that applicant went alongwith bag having amount of Rs. 90,000/-.

> 7. Considering the fact that alleged incident is of dated 03.06.2024, thereafter, there was amicable settlement between the parties and mutual consent divorce was also obtained, as per statement of witnesses, bag was returned by applicant to servant of informant. It appears that thereafter the applicant performed marriage. Considering the facts and circumstances, her custodial interrogation is not necessary. The bail can be granted by imposing conditions."

6. Aforestated observations clearly indicate that the Sessions Court has rightly applied its mind to the facts of the case and this was a case of pre-arrest bail to the accused. This Court, therefore, finds no perversity in the impugned order to cause any interference. Hence, application is dismissed.

(R. M. JOSHI, J.)

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