IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR CANCELLATION OF BAIL NO. 187 OF 2026

Alka Navnath Rathod ..APPLICANT

VERSUS

State of Maharashtra and Another ..RESPONDENTS

....

Mr. A.S. Hazari, Advocate h/f Mr. A.B. Chalak, Advocate for applicant
Mr. S.V. Hange, A.P.P. for respondent no.1 - State

....

CORAM : HITEN S. VENEGAVKAR, J.
DATE : 14th OCTOBER, 2026

PER COURT :

1. Heard learned counsel for the applicant.

2. The applicant before this Court is the original complainant and by way of present application he seeks direction from this Court to arrest Respondent No.2 and commit him to custody in connection with Crime No. 89 of 2026 registered with Partur Police Station, Dist. Jalna for the offences punishable under Sections 103(1), 109, 125, 118(2), 189(2), 190, 191(2), 191(3), 115(2), 352, 351(2) and 351(3) of the Bharatiya Nyaya Sanhita, 2023.

3. Learned counsel for the applicant submits that Respondent No.2 was arrested in connection with the aforesaid crime which came to be registered on 11th March, 2026. Respondent No.2 thereafter preferred

Criminal Bail Application No. 500 of 2026 before the learned Sessions Court after filing of the charge-sheet seeking regular bail. Respondent No.2 was released on bail by the Additional Sessions Judge-5, Jalna on 11th August, 2026 by a detailed order. Also, by the said order, application of the co-accused for bail was rejected. Learned counsel for the applicant submits that the Learned Additional Sessions Judge has erroneously granted bail to Respondent No.2 without considering the satisfaction as required by the judgment of ***Zeba Khan v. State of Uttar Pradesh, 2026 SSC Online SC 188***, thereby mandatory to disclose the previous application by the accused person. He submits that he has raised that issue before the learned Sessions Judge, however the same has not been considered. Secondly, he submits that the learned Additional Sessions Judge-5 had no jurisdiction to entertain the said application as the earlier application rejecting the anticipatory bail was filed and heard by the learned Additional Sessions Judge – 2 was very much available, and therefore, the subsequent bail application, though regular bail, ought to have been heard by the same Judge. He seeks directions to arrest Respondent No.2 and commit him to the custody by setting aside the bail order.

4. Learned A.P.P. for the State submits that State has not filed any application challenging the order of grant of bail to Respondent No.2. In that event he submits to the order of this Court.

5. I have perused the application and the documents annexed therein. The order dated 11th August, 2026 passed by the learned Additional Sessions Judge-5, Jalna is a well reasoned order by which the Court has given due consideration to the merits of the case against Respondent No.2 and has also considered the submissions advanced by the learned counsel for the applicant before this Court. Reading of Paragraph No.8 of the said order deals with the contentions of DGP pertaining to the objections to the application of regular bail on the ground that Respondent No.2 had suppressed the fact relating to previous anticipatory bail application filed by her in the present crime. The learned Judge after considering the said submission, has given detailed reasons that the proceeding which is before the said Court for consideration pertains to the regular bail application. Secondly, in respect of the argument raised by learned counsel for the applicant before this Court that the Court had no jurisdiction to entertain the application on the ground that the earlier anticipatory bail application was heard by other Court. On specific query from this Court to the learned counsel, whether this issue was argued by the applicant before the learned Additional Sessions Judge, he submits that he has no instructions. However, perusing the entire order wherein the contentions of DGP has been noted and also the submissions pertaining to the informant i.e. present applicant are noted, this issue is not raised or argued before the learned Additional Sessions Judge, who granted bail. On the contrary, what has been argued is only pertaining

to the non disclosure of earlier anticipatory bail, which according to the applicant is non-compliance of guidelines issued by the Hon'ble Apex Court in case of ***Zeba Khan*** (supra).

6. The order dated 11th August, 2026, granting bail to Respondent No.2, is not challenged by the present applicant and a simplicitor application seeking direction to arrest and commit Respondent No.2 to custody, therefore, cannot be granted. In any eventuality, I have gone through the order granting bail to Respondent No.2. I do not find any perversity or non-application of mind by learned Additional Sessions Judge-5, Jalna while granting bail to Respondent No.2. The learned Court has considered the merits and allegations levelled against Respondent No.2 in the present offence which is duly considered the submissions of DGP, informant and also of learned counsel for Respondent No.2 in that proceedings. The order discloses sufficient reasons for granting bail.

7. In light of above, I am not inclined to issue notice to the respondents. Hence, Application for Cancellation of Bail stands dismissed.

(HITEN S. VENEGAVKAR, J.)

SSD