IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR CANCELLATION OF BAIL NO. 243 OF 2026

DNYANESHWAR BHIKA PATIL
Versus
THE STATE OF MAHARASHTRA AND ANOTHER

.....
Mr. Datta A. Madake, Advocate for Applicant
Mr. K. K. Naik, APP for Respondent - State
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CORAM : HITEN S. VENEGAVKAR, J.
DATED : 3rd NOVEMBER, 2026

PER COURT :

1. Heard the learned Advocate for the applicant and the learned APP for the respondent – State.

2. The present application is filed for cancellation of bail of respondent No.2, who has been released on bail by order dated 24.09.2026 in Criminal Bail Application No. 789 of 2026 by the Additional Sessions Judge, Jalgaon.

3. Learned Advocate for the applicant submits that respondent No.2 is the instrumental accused on the basis of whom assurance was given that the amount which has been siphoned off by the accused persons will be refunded. The assurance was believed by the present applicant, who is the complainant, and

therefore, he did not lodge any complaint within time. He submits that the Sessions Court, while considering the bail application, has not taken into account the amount that has been received by the respondent no.2. The prosecution has also not been able to trace or recover any amount that has gone through the respondent no.2. The investigation is still in progress, and yet the respondent no.2 in such a serious offence has been released on bail. The respondent no.2 was arrested only on 24.08.2026 and within a period of one month, he is released on bail by the Sessions Court. He, therefore, prays that the bail granted to respondent No.2 be cancelled and he be taken into custody.

4. Learned APP, on query, informs that there is no application preferred by the State for cancellation of bail. He submits that he leaves it to the discretion of this Court.

5. I have heard the learned Advocate for the applicant and I have also perused the documents that have been annexed to the present application, which are in the nature of the First Information Report and the order passed in the bail application along with the application for bail and also the affidavit filed by the present applicant opposing the bail application of respondent No.2. I have also perused the order passed by the Sessions Court

granting bail to respondent No.2. The First Information Report lodged by the present applicant is dated 19.08.2026, wherein the allegation pertaining to cheating has been levelled against the accused persons for the incident that has taken place in the month of July 2025. Respondent No.2, in connection with the said offence, came to be arrested on 24.08.2026. The investigation is still in progress. However, the observations that have been made by the Sessions Judge while granting bail to the present respondent no.2 are well reasoned. The Court has taken into consideration that there has been no nexus between the amount that has been recovered from respondent No.2 and the alleged crime. The case diary itself reflects the same, and it also reflects that the main allegations in respect of misappropriation, criminal breach of trust and cheating are levelled against accused Nos.1 and 2. The only allegation that is levelled by the prosecution against the respondent No.2 (accused No.3) is that he is the son-in-law of accused No.1 and that, at the time when the transaction took place, it is alleged that he accompanied accused Nos.1 and 2. It is also observed that the cheques which were issued by accused No.1 and not by the present respondent No.2, which came to be subsequently dishonoured. The Court has held, after referring to the case diary, that there is no document on record which shows the *prima facie* involvement or nexus of the present accused in the alleged offence.

The Court has then proceeded to release respondent No.2 by imposing all the possible conditions upon respondent No.2 while granting bail. In my view, there is nothing wrong with the reasoning given as well as the conditions that have been imposed on respondent No.2. Proper care has been taken by the Sessions Court while releasing respondent No.2. I do not find any ground to cancel the bail of respondent No.2.

6. Application for Cancellation of Bail stands dismissed.

(HITEN S. VENEGAVKAR)
JUDGE

Tandale