



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2105 OF 2025

YUSUF DADA CHAUGULE
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Senior Counsel Mr. Rajendra Deshmukh
a/w Ms. Meenal S. Deshmukh, Ms. Ashwini S. Deshmukh i/b Mr.
Shaikh Joyeb

APP for Respondents-State : Ms. R. R. Tandale

Advocate for Respondent No. 2 : Ms. Nikita Ragade (Appointed)

CORAM : Sachin S, Deshmukh, J.

Dated : 12th January, 2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 26.07.2024 bearing Crime No. 283 of 2024 registered with Ghargaon Police Station, Dist. Ahmednagar for the offences punishable under Sections 137(2), 87, 123, 64(2), 351(2), 49, 74, 75, 78, 3(5) of Bharatiya Nyaya Sanhita, 2023 and Sections 4 and 12 of Protection of Children from Sexual Offences Act, 2012.

2. The prosecution case is that the victim was allegedly coerced into a love relationship with the accused, Shadab, since January 2020. It is further alleged that on a subsequent occasion, the victim was lured to Manchar and later taken to

Chakar, where she was reportedly administered a stupefying substance in her water. The prosecution states that the victim was then taken to Mumbai, where she was sexually exploited at various places. The applicant repeatedly transporting the victim to these locations and using threats to compelled her to stay. It is alleged that Shadab committed penetrative sexual assault during this period of kidnapping, using the threat of circulating compromised videos and photographs of the victim as a means of extortion and control. Consequently, a First Information Report (FIR) was lodged on 26.07.2024.

3. The learned Senior counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the offense. It is submitted that the applicant was previously enlarged on bail by the Hon'ble Supreme Court in SLP 1957/2025, subject to certain conditions. However, following allegations that the applicant had threatened prosecution witnesses, the prosecution preferred an application for the cancellation of bail. By an order dated 19.06.2025 in Cri. M.A. 18/2025, the learned Trial Court cancelled the bail originally granted to the applicant. Consequently, the present application has been filed seeking grant of bail.

4. It is further submitted that the case has been grossly exaggerated. The applicant categorically denies the allegations of threatening witnesses, contending that the investigating agency submitted its report under external pressure or duress. Consequently, it is argued that the trial court's decision to cancel the bail was erroneous. In support of these contentions, the applicant places reliance on the following judgments :-

- (I) **Phireram Vs. State of Uttar Pradesh and Another Criminal Appeal No. 3830 of 2025 (Arising out of Special Leave Petition (Crl.) No. 9082 of 2025)** decide by Hon'ble Apex Court on 02.09.2025
- (II) **Himanshu Sharma Vs. State of Madhya Pradesh [(2024)4 SCC 222]**

5. The learned APP has vehemently opposed the application, submitting that the applicant has been involved in the act of kidnapping and thereafter, sexually exploiting the victim. The offence is serious in nature. If the applicant is enlarged on bail, there is every possibility of tampering with the prosecution evidence. As such, it is prayed that the application be rejected.

6. Upon considering the submissions of both sides and perusing the material on record, including the charge sheet, it is pertinent to note that the applicant was previously granted bail

by the Hon'ble Supreme Court and has been attending the trial proceedings regularly. The cancellation of bail was predicated solely on the alleged threats to witnesses; however, in the absence of substantial and cogent proof to support such claims, therefore, a drastic measure cannot be sustained.

7. The Hon'ble Apex Court in the case of **Phireram (supra)** has reiterated following factors governing cancellation of bail :

56. This Court then summed up the principles or circumstance governing the cancellation of bail as under :-

"25. Some of the circumstances where bail granted to the accused under [Section 439\(1\)CrPC](#) can be cancelled are enumerated below:

(a) If he misuses his liberty by indulging in similar/other criminal activity;

(b) If he interferes with the course of investigation;

(c) If he attempts to tamper with the evidence;

(d) If he attempts to influence/threaten the witnesses;

(e) If he evades or attempts to evade court proceedings;

(f) If he indulges in activities which would hamper

smooth investigation;

(g) If he is likely to flee from the country;

(h) If he attempts to make himself scarce by going underground and/or becoming unavailable to the investigating agency;

(i) If he attempts to place himself beyond the reach of his surety.

(j) If any facts may emerge after the grant of bail which are considered uncondusive to a fair trial.

We may clarify that the aforesaid list is only illustrative in nature and not exhaustive.” (Emphasis supplied)

8. Pertinently, since the applicant was granted bail by the Hon'ble Apex Court, the Trial Court ought to have exercised extra caution while dealing with the application for cancellation of bail. The record further indicates that the trial has substantially progressed. The alleged contravention, in the absence of cogent evidence to corroborate the claim, ought to have been assessed more judiciously.

9. Pursuant to the order of the Hon'ble Apex Court, the learned Additional Sessions Judge, Sangamner, incorporated several stipulations while granting bail. A key condition mandated that the applicant refrain from committing any further offenses or

engaging in prejudicial activities. However, following the registration of a separate offense under Sections 25(1)(A) and 27 of the Arms Act at Warla Police Station, Madhya Pradesh, the prosecution sought the cancellation of bail, alleging a breach of this condition. While allowing the application, the Sessions Court relied on the conjecture that the accused "most probably" acquired the weapon to tamper with evidence by threatening witnesses.

10. As such, every stipulations incorporated in the order must not to have been read in isolation; rather, ought to have been interpreted conjointly. The underlying intent of those stipulations is to prevent the applicant from committing offenses of a similar nature or those that directly interfere with the administration of justice. In the present case, mere registration of a subsequent, rather unrelated offence, without a proven nexus to the on going trial or substantiated evidence of witness intimidation, should not results in the revocation of bail.

11. The principle for cancellation of bail is restated by the Hon'ble Apex Court after grant of the bail only in the event there is supervening circumstances and very cogent and overwhelming circumstances are necessary for an order directing the cancellation of the bail, already granted, those are reproduced

hereinabove.

12. None of the aforesaid eventuality has been established by the prosecution. However, as has been recorded in the order that the procurement of alleged weapon is possibly aimed to tampering the prosecution evidence by threatening the witness is rendered. While the alleged incident, even if, viewed with gravity, it cannot serve as the sole basis to revoke the bail previously granted, especially without definitive proof thereof. In that view of the matter, the Sessions Judge has acted in contravention of the aforestated settled principles of law, warranting consideration of the application presented by the applicant.

13. As such, the present application for bail deserves to be allowed; however, subject to the imposition of stringent conditions to ensure trial proceeds in a judicious manner and remains untainted by any external interference.

14. Resultantly, following order is passed :-

ORDER

- (I) Application is **allowed**.
- (II) Applicant – Yusuf Dada Chaugule be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) with one or two local solvent sureties in the like amount, in connection with Crime

No. 283 of 2024 registered with Ghargaon Police Station, Dist. Ahmednagar for the offences punishable under Sections 137(2), 87, 123, 64(2), 351(2), 49, 74, 75, 78, 3(5) of Bharatiya Nyaya Sanhita, 2023 and Sections 4 and 12 of Protection of Children from Sexual Offences Act, 2012, on the following conditions :-

- (a) The applicant shall attend the concerned Police Station on every Friday from 10.00 am to 2.00 pm.
 - (b) The applicant shall attend each and every date of the Trial Court, unless exempted by the Trial Court.
 - (c) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (d) The applicant shall submit his Aadhar and Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicant and two of the near relatives.
 - (e) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move this Court seeking cancellation of bail.
- (III) Needless to states that the observations rendered herein are to the extent of this application and the trial court shall not be influenced by the same.

(Sachin S, Deshmukh, J.)