



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

920 APPLICATION FOR CANCELLATION OF BAIL NO. 197 OF 2025
IN BA/1248/2025

ABDUL REHMAN HAROON RASHID TAMBOLI

VERSUS

ABDUL MAJID ABDUL GAFFAR AND ANOTHER

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Advocate for Applicant : Mr. P.R. Katneshwarkar Senior Advocate i/by Mr.
Shaikh Majit S.

Advocate for Respondent No. 1 : Mr. Sudarshan J. Salunke.

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CORAM : SHAILESH P BRAHME, J.

DATE : 06.01.2026

PER COURT :

Heard both sides.

2. The applicant seeks cancellation of the bail granted to respondent no.1 vide order dated 25.07.2025 on the ground that there is violation of condition No. 7(f).

3. The learned Senior Counsel Mr. Katneshwarkar appearing for the applicant submits that the order of enlarging respondent no. 1 on bail is self-speaking and respondent no. 1 was prohibited from entering district Parbhani. On 03.10.2025, he is seen in the premises of Civil Hospital Parbhani, wherein the applicant/informant renders services. It is submitted that by implication of paragraph no. 8 of the order of this Court bail is liable to be cancelled automatically. It is further submitted that immediately application was filed to the concerned police officer by the applicant on 06.10.2025 alongwith photographs to disclose the presence of respondent no. 1 in the Civil Hospital, Parbhani on 03.10.2025, which amounts to abuse of liberty. It is submitted that bail application was opposed by the applicant

and considering the submissions the conditions were imposed by this Court prohibiting respondent no. 1 to enter district Parbhani. It is submitted that the offence in question is serious one and the applicant has apprehension from respondent no. 1 and other accused. There was no reason for respondent no. 1 to come to Civil Hospital at Parbhani at the relevant time. It is, therefore, submitted that bail granted to respondent no. 1 by this Court is liable to be cancelled.

4. Per contra, learned counsel Mr. Salunke for respondent no. 1 submits that every breach of the condition imposed while enlarging an accused on bail would not entail the cancellation. It is submitted that there is no overt act on the part of respondent no. 1. It is submitted that respondent no. 1 meticulously followed the condition. He did not try to contact or influence the witnesses. At the relevant time also he did not approach the applicant. It is further submitted that respondent no.1 is ailing and he was required to take treatment and hence due to medical emergency he approached the Civil Hospital. It is further submitted that no overwhelming circumstances are brought on record to pass drastic order of cancellation of bail against respondent no. 1. Reliance is placed on the judgment of **Abhishek Eknath Kadam Vs. The State of Maharashtra and another in Criminal Appeal No. 559/2025 decided on 04.10.2025.**

5. The learned A.P.P. points out that respondent no. 1 is staying in Parbhani itself, which is prohibited by the condition imposed by this Court. It is submitted that respondent no. 1 has abused the liberty granted by this Court and the bail is liable to be cancelled.

6. I have considered the rival submissions of the parties. At the outset, the justification tendered by respondent no. 1 that for the medical emergency he was required to approach Civil Hospital Parbhani on 03.10.2025 cannot be countenanced. It is incomprehensible as to why respondent no. 1 was required to choose Civil Hospital Parbhani for taking

alleged treatment. No documents are placed on record that on the relevant date really any treatment is taken by respondent no. 1. Neither is there any record to show that previously also he was taking treatment from the same hospital. The justification appears to be concocted.

7. Admittedly, on the basis of stray incident, the bail granted to respondent no. 1 is sought to be cancelled. Respondent no. 1 is seen in the premises of Civil Hospital Parbhani on 03.10.2025. It is not the case of the applicant that respondent no. 1 tried to approach him or tried to contact him on the said date. There is no material on record to suggest that besides incident of 03.10.2025, respondent no. 1 abused the liberty granted by this Court by either contacting or influencing either applicant or other witnesses. The material on record is not cogent and overwhelming to resort to drastic action of cancellation of bail.

8. The learned counsel for respondent no. 1 has relied upon the judgment of coordinate bench in the matter of **Abhishek Vs. State (supra)**. I have gone through paragraph nos. 9 and 10 of the judgment. In that case, the accused was directed to report the police station and for non compliance on one occasion his bail was sought to be cancelled. The facts are distinguishable. However, *inter alia*, reference was made to various judgments which would enure to the benefit of respondent no. 1. I propose to follow the same principles in holding that this is not a fit case to cancel bail.

9. My attention is adverted to the material aspect of the matter by the learned A.G.P. In application dated 06.10.2025 it is mentioned by the applicant that respondent no. 1 is residing in Parbhani itself. This fact is disputed by the learned counsel for respondent no. 1. I made specific query to the counsel of respondent no. 1 to furnish details of compliance of para 7(e) of the order dated 25.07.2025. He was unable to disclose the details. I have already discarded the justification tendered by respondent no. 1 for

being present in the Civil Hospital Parbhani. The possibility of respondent no. 1 entering district Parbhani cannot be ruled out. Instead of cancelling the bail granted by the coordinate bench, I propose to impose additional condition. It is informed that charge-sheet has been filed in the matter. It is informed by learned counsel for respondent no. 1 that his client is residing within territorial limits of MIDC CIDCO police station Chhatrapati Sambhajanagar.

10. I, therefore, pass following order :

ORDER

Application for Cancellation of Bail is rejected. However, respondent no. 1 in addition to earlier conditions imposed by this Court vide order dated 25.07.2025 shall abide by following condition :

- (i) Respondent no. 1 shall report MIDC CIDCO Police Station, Chhatrapati Sambhajanagar on every Sunday between 10 a.m. to 4 p.m. and shall not leave the place of residence without intimating the concerned police officer.

(SHAILESH P. BRAHME, J.)

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