



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.123 OF 2026

Prashant s/o Dagajirao Patil

... PETITIONER

VERSUS

The State of Maharashtra & anr.

... RESPONDENTS

.....

Mr. Chaitanya C. Deshpande, Advocate for petitioner

Mrs. P.V. Diggikar, A.P.P. for respondent No.1 – State

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 5th FEBRUARY, 2026

PER COURT :

1. By this Criminal Writ Petition, the petitioner has taken exception to the order dated 20/1/2025, passed by learned Additional Sessions Judge, Dhule below Exh.853 in Sessions Case No.103/2018 and for cancellation of the bail granted to the respondent No.2.

2. The petitioner is original informant who lodged F.I.R., alleging that, on the occasion of Holi Dandi Purnima, Bajirao Pawar, Gaurav Pawar and other co-accused threatened the informant and his brother Raosaheb Patil over previous enmity.

The quarrel was intervened. However, thereafter, between 6/6/2018 and 7/6/2018, repeated threats and acts of intimidation were made by co-accused. On 8/6/2018 at 5.30 p.m., the servant Shendya Rajendra Deore went to provide medicines to brother of the applicant/ informant, and informed the applicant that he was been followed by co-accused. At 6.00 p.m., Jayraj Patil, Rushikesh Patil, Gaurav Bajirao Pawar, Sonu @ Vaibhav Pawar, Harshal @ Dadu Ravindra Patil, Bhupesh @ Bhupendra Walmik Patil, Bhushan Baburao Kapkar accosted the Scorpio vehicle in which Raosaheb Patil and his son Vaibhav were coming, near their house and assaulted them with deadly weapons i.e. sword, Kukri and sickles. The co-accused also caused injuries to Harish Shinde and Hitesh Deore. While fleeing, the accused stated that, they had acted as per the instructions of Bajirao Nana (respondent No.2). When Raosaheb Patil and Vaibhav Patil were taken to hospital, they succumbed to the injuries in the hospital.

3. Eventually, the respondent No.2 (accused No.1) was released on bail by the Apex Court by imposing certain conditions with liberty to the Trial Court to pass appropriate order on application for cancellation of bail in case of breach of the conditions.

4. Subsequently, the applicant/ informant filed an application before the Trial Court for cancellation of bail of the accused No.1 (respondent No.2), alleging breach of condition. However, the same came to be rejected vide order dated 20/1/2025. Therefore, the applicant has approached this Court under Article 227 of the Constitution of India.

5. Mr. Deshpande, learned counsel for the applicant submits that, the respondent No.2 has committed breach of the condition of bail by entering into the vicinity of Dhule except on the date of trial. It is further submitted that, the respondent No.2, on earlier occasion, had made attempts to tamper with the evidence and has evaded trial by not appearing before the Trial Court. As such, the respondent No.2 is prolonging the trial and thwarting justice. Hence, prayed to allow the application and cancellation of bail granted to respondent No.2.

6. When confronted about the stage of trial, the learned A.P.P. submitted that, the trial is at the stage of recording the statements of accused under Section 313 of the Code of Criminal Procedure.

7. Having heard the respective counsels and upon perusal of the records, indicates that the evidence of all the prosecution

witnesses is complete and this aspect is noted by the Trial Court in its order under challenge. Apart from the bare allegation of breach of conditions, there is nothing on record produced by the applicant.

8. It is settled position of law that, cancellation of bail is harsh measure which should be exercised only in exceptional circumstances to meet the ends of justice. Therefore, in my considered opinion and in absence of cogent material to conclude breach of conditions by the respondent No.2, cancellation of bail is unwarranted.

9. Furthermore, the trial is almost at the verge of conclusion and since all the prosecution witnesses have been examined, there is no likelihood of the respondent No.2 violating the conditions of bail. Nevertheless, all the other aspects are rightly dealt by the Trial Court and the same requires no interference. Thus, no error could be noted in the well reasoned order passed by the Trial Court. Resultantly, the Petition stands dismissed.

(SACHIN S. DESHMUKH, J.)