



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

**907 APPLICATION FOR CANCELLATION OF BAIL
NO. 12 OF 2026
IN ANTICIPATORY BAIL APPLICATION
NO.1551 OF 2025**

MRS. X

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr.R.A.Jaiswal
APP for Respondent-State : Mr.R.K.Ingole

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CORAM : MEHROZ K. PATHAN, J.

DATE : 17.01.2026

P.C. :

1] The applicant has filed present application, seeking cancellation of bail granted by this Court, vide order dated 27.11.2025 on the ground of violation of condition no. (C) imposed by this Court wherein this Court has directed that the applicant shall not pressurize the prosecution witnesses and shall not tamper with the evidence, in any manner.

2] The learned counsel for the applicant-original complainant submits that after grant of bail by this Court,

the accused has again started harassing the complainant and pointed gun towards the complainant at Tahsil office. A complaint was made by the original complainant to the Bhusawal City Police Station on 29.12.2025. Accordingly, N.C.No. 290/2025, dated 29.12.2025, is registered with Bhusawal City Police Station. The contents of the non-cognizable report were not as per the statement made by the complainant herein, the complainant-victim thus submitted an application to the Sub Divisional Police Officer, Bhusawal [SDPO] on 29.12.2025, pertaining to the omissions of the Police Authorities while registering the N.C. and not mentioning the allegations, which are levelled by the complainant. The SDPO, taking cognizance of the complaint made by the victim, had directed the concerned police to register the FIR. Accordingly, FIR bearing No.305/2025 was registered against the accused on 30.12.2025 for the offence punishable under Section 74 and 78 of the Bharatiya Nyaya Sanhita, 2023, for stalking and outraging modesty of the complainant by making obscene gestures.

3] The victim again was not satisfied by registration of the FIR and as such made further complaint to the Superintendent of Police on 06.01.2026 alleging that the allegation of pointing pistol by the accused was not incorporated in the non cognizable report as well as in the FIR, as such, the appropriate action shall be taken. However, despite of such complaint, no further action is taken by the Superintendent of Police. The complainant-victim, having no other remedy, has approached this Court for cancellation of bail for violation of condition no. (C) imposed by this Court, vide order dated 27.11.2025.

4] I have gone through the final order passed by this Court dated 27.11.2025 and also order dated 09.09.2025 passed by this Court, granting interim order considering the nature of the allegations. Both the orders dated 09.09.2025 and 27.12.2025 takes into consideration the discrepancies in the statement made by the victim and thus granted bail to the accused. It is specifically observed in the order dated 27.11.2025 that although FIR initially

refers to threats and criminal intimidation, the subsequent statement of the complainant recorded on 25.07.2025 contains allegations of rape not only against the son of the applicant but also against the present applicant. Perusal of the supplementary statement of the victim dated 28.07.2025 speaks about the entirely different story than that of the First Information Report and even the allegations of extortion on the threat of making the nude video viral is against the son of the applicant–Azad Kedarnath Sanap.

5] The present application is filed on the ground of threats given by the accused to the complainant on the basis of which NC report and FIR are registered. The fact remains, even though there was a direct allegation about threatening the victim on gunpoint by the accused, the police authorities did not incorporate the said allegations in the NC report. Even after the complaint was made to the Deputy Superintendent of Police and after direction of registration of FIR, the FIR which is registered by the Police Station, Bhusawal City bearing No.305/2025 also does not

mention about any allegation of threatening the complainant by means of pistol by the accused. The complaint dated 06.01.2026 made to the Superintendent of Police again takes exception to the FIR not incorporating the allegations of gun point. The continuous complaint made by the applicant / original victim prima facie shows the tendency of the present applicant / complainant to somehow create an evidence to cancel the bail of the accused granted on merits. The accused was initially protected vide order dated 09.09.2025. While confirming the interim protection vide order dated 27.11.2025, no such complaint of violating the condition or intimidating the complainant was informed to the Court by the prosecution. Thus, taking into consideration the nature of allegations, it appears that the complaints made by the applicant–victim are made with an intention to somehow deny relief of bail to the accused.

6] The Single Bench of the Bombay High Court Aurangabad Bench in the case of **Hulaji Gangaram Shete Vs.**

Balaji Ramji Shinde and others in Application for Cancellation of Bail No.144/2021, decided on 28.02.2022, has observed in para 6 as under :

6. It is to be noted that the said non cognizable offence appears to have been registered under Section 155 of the Code of Criminal Procedure. It appears that the police have not taken any recourse to Section 155 (2) of the Code of Criminal Procedure, nor the present applicant had taken further legal steps by filing private complaint before the concerned Judicial Magistrate First Class for taking further legal recourse. Under such circumstance, if authorities as well as the applicant himself has not taken action, that fact as alleged in the N.C. complaint cannot be taken as a ground for cancellation of bail. If actions are taken by this Court such as cancellation of bail on the basis of the N.C. complaints, then every informant would come to this Court with a prayer of cancellation of bail. What is expected is that the legal recourse that is available to the informant/witnesses and/or to the police should be exhausted so that the concrete evidence can be before this Court to take extreme step of cancellation of bail. When bail is granted after considering all the merits involved, then its cancellation cannot be on the basis of mere lodging of a non cognizable offence.

Thus, in the present case also, no step as provided under Section 155 (2) is either taken by the Police nor any complaint before Judicial Magistrate First Class filed by the applicant herein.

7] The law regarding cancellation of bail has been well settled in catena of decisions by the Hon'ble Apex Court

to the effect that the cancellation of bail can be ordered only on the strong ground and the bail already granted on merits should not be cancelled by the High Court unless it appears that the accused is interfering with the course of justice by tampering with the evidence. It is also trite law that power to cancel the bail has to be exercised with caution and great circumspection in appropriate cases. The Hon'ble Supreme Court in the case of **State [Delhi Administration] Vs. Sanjay Gandhi** reported in [1978] 2 SCC 411, was pleased to observed as under :

“Rejection of bail, when bail is applied for is one thing; cancellation of bail already granted is quite another. It is easier to reject a bail application in a non-bailable case than to cancel a bail granted in such a case. Cancellation of bail necessarily involves the review of a decision already made and can by and large be permitted only if, by reason of supervening circumstances, it would be no longer conducive to a fair trial to allow the accused to retain his freedom during the trial.”

8] Thus, taking into consideration the above observations of the Single Bench of this Court and in the judgment cited above, I am not inclined to exercise

jurisdiction under Section 483 (3) of BNSS for cancellation of bail. Hence, the present application is hereby rejected.

9] The observations made herein above against the complainant are *prima facie* in nature and may not influence any other Court.

[MEHROZ K. PATHAN]
JUDGE

DDC