



Judgment

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

CRIMINAL APPLICATION APL NO.615/2025

Wasim Khan Saheb Khan Pathan,
aged about 36 years, occupation labour,
r/o Farmanpura, Achalpur,
district Amravati. **Applicant.**

:: VERSUS ::

1. State of Maharashtra,
through PSO PS Gadge Nagar
Police Station, Amravati.

2. Ravi Nag Bhushan,
age 47 years, occupation doctor,
r/o Shrikrushna Colony,
district Amravati. **Non-applicants.**

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Shri M.N.Ali, Counsel for the Applicant.

Shri A.M.Joshi, APP for Non-applicant No.1/State.

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CORAM : URMILA JOSHI-PHALKE, J.

DATE : 14/01/2025

ORAL JUDGMENT

1. Heard learned counsel Shri M.N.Ali for the applicant
and learned Additional Public Prosecutor Shri A.M.Joshi for
the State. **Admit.** Heard finally by consent of parties.

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2. This application is preferred by the applicant challenging order passed by learned District Judge-5 and Additional Sessions Judge, Amravati cancelling bail of the applicant granted in connection with Crime No.2236/2021 in Sessions Case No.20/2022.

3. Learned counsel for the applicant submitted that the applicant was arrested in Crime No.2236/2021 registered with Gadge Nagar Police Station, Amravati for offences under Sections 109, 294, 353, 452, 504, and 506 of the IPC. He was released on bail vide order 31.7.2021 by imposing conditions including not to tamper with the prosecution evidence. Subsequently, as another offence was registered against the applicant, as he threatened the informant and as he was absent before the trial court, his bail was cancelled. Being aggrieved and dissatisfied with the same, the present application is filed. He submitted that as far as threatening of the witnesses is concerned, except NC Report, there is no material collected to show that the applicant has made any

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attempt to tamper the prosecution evidence. He admitted that on some dates, the applicant was absent and, therefore, NBW was issued. However, subsequently, he is attending the court proceeding and, now, he will attend the court proceeding. Considering the nature of the offence, the applicant cannot be detained in jail for an indefinite period and he would abide all conditions imposed by this court. He further submitted that merely because there are subsequent criminal antecedents that by itself are not sufficient to cancel the bail as some overwhelming circumstances are required to cancel the bail. In view of that, the application deserves to be allowed.

4. Learned Additional Public Prosecutor for the State strongly opposed the said contentions and submitted that due to absence of the applicant, the trial before the trial court is held up. Moreover, attempt was made by him to tamper the prosecution evidence. If he is released on bail, again there is

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a possibility of tampering of the witnesses. In view of that, the application deserves to be rejected.

5. After hearing both the sides and perusing the entire record, it reveals that the applicant was prosecuted for offences under Sections 109, 294, 353, 452, 504, and 506 of the IPC and he was also released on bail. As per the allegations, he has sent text messages to the informant abusing him and after receipt of the text message, the informant approached the police station and lodged the report. On the basis of the said report, one NC complaint was registered. The transcription of the said text message is placed on record. Even, considering the text message as it is, it appears that some indecent and un-parliamentary words are used by the applicant in the said text messages, but it nowhere reveals that the applicant has made any attempt to tamper the prosecution evidence. Considering the fact that now the applicant is attending the proceeding before the trial court and NBW issued against him is already cancelled by the

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trial court, the application deserves to be allowed. Moreover, considerations for grant of bail are different than for grant of bail. Overwhelming circumstances are required to cancel the bail. Considering the nature of the offence, it would not be proper to keep the applicant behind the bars for an indefinite period. However, considering the conduct of the applicant, some stringent conditions are required to be imposed on him.

6. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(1) The Criminal Application is **allowed**.

(2) The order dated 20.3.2025 passed by learned District Judge-5 and Additional Sessions Judge, Amravati is hereby quashed and set aside.

(3) The applicant is released on bail on furnishing a P.R.Bond of Rs.25,000/- with one solvent surety of the like amount.

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(4) The applicant shall not made any attempt to contact with the prosecution witnesses, in any manner, and one single incident, if reported, would be sufficient to cancel the bail of the applicant.

(5) The applicant shall attend the proceeding before the trial court without seeking any exemption, unless there are exceptional circumstances and single absence before the trial would lead to cancellation of the bail.

Application stands **disposed of** in the aforesaid terms.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!

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