

COMMON ORDER BELOW EXHS.1033 & 1034 IN SESSIONS
CASE NO. 103/2018

(The State V/s. Bajirao @ Subhash Sajan Pawar, etc.-13)
CNR No.: MHDH01-002620-2018

Application Exh. 1033 is filed by API Sachin Kapadnis attached to West Deopur Police Station for cancellation of bail granted to accused No. 1 Bajirao Pawar. Application Exh. 1034 is filed by API Kapadnis for including the pen drive containing CCTV footage along with the copy of complaint application of original informant, in the documents.

02. It is submitted that on 30/09/2025 the informant filed complaint application to the office of Superintendent of Police, Dhule thereby praying cancellation of bail granted to accused No. 1. The said application was forwarded to West Deopur Police Station and is registered as Application No. 165/2025. The inquiry in the said application was conducted by Assistant PSI Jitendra Aakhade, as per order of applicant API Sachin Kapadnis

03. During the said inquiry the statements of informant, Omprakash Dagaji Patil, Amol Mohan Bhavsar the auto rickshaw driver and Rajesh Ganpat Pawar, the nephew of accused No. 1 have been recorded. The CCTV footage on jail road in the jurisdiction of Superintendent of Police, Dhule dated 30/09/2025 from 13:50 hours to 15:00 hours, Ram Travels in front of Kamlabai School dated 30/09/2025 from 13:30 hours to 15:30 hours have

been collected. The particulars of the vehicle of Rajesh Ganpat Pawar has been collected from RTO office Dhule. The screen shot of CCTV footage showing Rajesh Pawar and accused No. 1 on two-wheeler of Rajesh Pawar is obtained from the informant. The photograph of accused No. 1 dated 05/03/2024 in the Court premises, the copy of Rozanama dated 30/09/2025 in Sessions Case No. 103/2018, the copy of complaint application dated 27/11/2023 submitted by informant to West Deopur Police Station, have been obtained from the informant. The copy of report dated 02/01/2024 submitted by PSI Salunke addressed to the Court through learned PP and copy of application dated 03/06/2024 submitted by informant to S. P. office, Dhule have also been obtained during inquiry.

04. According to API Kapadnis, it transpired that on 30/09/2025 the regular Court was on leave and after completion of Court proceeding before in-charge Court, though it was obligatory on the part of accused No. 1 to leave the Court premises immediately as per condition in the bail order passed by this Court, he is seen at 14:51 hours near Kamlabai school in shopping complex as per the CCTV footage collected. Again at 14:54 hours he is seen proceeding towards Babasaheb Ambedkar Statute with his nephew on two wheeler. On that day the Court proceeding was over at 1:50 pm. So, after 1:50 hours the accused No. 1 is seen entering in shopping complex. As per the statement of Rajesh Ganpat Pawar, recorded by PSI Aadkhade, he had gone with his

uncle i.e. accused No. 1 in Garud Complex for repair of his spectacle but they were seen there for about 1 hour. The explanation given by Rajesh Pawar therefore, does not appear justifiable. So, it is prayed to cancel the bail granted to accused No. 1.

05. To this application reply is filed by learned advocate of accused No. 1 vide Exh. 1036 and 1041. The application is opposed on the ground that it is not presented by learned PP. Already there was application Exh. 1026 which was replied and heard and the same is pending for order. While earlier application is pending for order, filing of this application shows malice and highhanded approach of the police at the instance of original informant. Reference to old incidents in the said application shows that police are persuaded and motivated to file the present application. The bail is granted to accused No. 1 by Hon'ble Supreme Court, and therefore, it can be canceled only by the said Court. Hence, considering the legal position, the application is not filed by learned PP.

06. It is further submitted that it is fact that evidence of prosecution and defense witnesses is over, and matter is fixed for final arguments. Thus, the informant being disturbed by the grant of bail to accused No. 1, made an attempt through police to file the present application. He is attending each and every date of the case which shows envy and malice against all the accused persons.

07. The CCTV footage are denied as they are legally inadmissible. It does not amount to breach of order of Hon'ble Supreme Court. There is no prohibition in entering Dhule City. There is no particular route and passage provided through which only the accused is directed to enter Dhule city and approach the Hon'ble Court's premises. The grant of bail has been a matter of displeasure for the informant. Therefore, he is attempting to secure cancellation of bail at least at the end of trial.

08. Heard both sides. Learned PP submitted that application be decided as per contents of the application. Learned advocate of accused No. 1 submitted that the grievance raised in the application is not correct. In-fact accused arrived and departed on 30/09/2025 by train. The railway tickets have already been submitted on record. Therefore, the accused seen near railway station cannot be a ground for cancellation of bail. There is no direction in the order of bail that accused should proceed in a particular direction from a particular route while entering or leaving Dhule City. There is no allegation in the application that any act is done by him. He is 75 years old and is unable to use physical force. No such allegations are made against him. At the most, it can be said as minor breach and not a major one. API Sachin Kapadnis has no business to file such application. It shows that he is controlled by the informant. Learned advocate cited the following judgments.

i) **Kailash Kumar V/s. State of Himachal Pradesh & Anr., 2025**

(2) Crimes 231,

- ii) **Bhuri Bai V/s. The State of Madhya Pradesh, 2022 INSC 1325**
 - iii) **Rizwan Akbar Hussain Syeed V/s. Mehmood Hussain and Anr., 2007 (4) RCR (Criminal) 27**
 - iv) **Dolat Ram and Others V/s. State of Haryana, 1994 3 Crimes (SC) 1013.**
- V) **Godson V/s. State of Kerala 2022 (3) Crimes, 191**

09. In **Kailash kumar**, the bail granted by Sessions Court was cancelled by Hon'ble Himachal Pradesh High Court. It is held by Hon'ble Supreme Court that the High Court has not referred any single act of the appellant / accused, post grant of bail which could give rise to formation of an opinion that any of the terms and conditions of bail have been violated by the appellant. Thus, the order canceling the bail held unjustified.

10. In **Bhuri Bai** the regular bail application granted by Sessions Court to the mother-in-law of deceased who committed suicide was canceled by Hon'ble High Court. The Hon'ble Supreme Court considered that the deceased left a minor child and none except the appellant was available in the family to look after the child. So, she cannot be a absconder or a fugitive who had been intentionally running away from the process of law. There was also covid-19 pandemic period. In that circumstances cancellation of bail order was set aside.

11. In **Rizwan Akbar Hussain** there was no specific condition imposed in the bail order and the Hon'ble High Court observed that the conditions for grant of bail were violated. In that circumstances the Hon'le Supreme Court remanded the matter to the Hon'ble High Court for fresh consideration of the application for cancellation of bail and observed that even if no condition is specifically stipulated in the bail order, the accused while on bail, is not supposed to tamper with evidence.

12. In **Dolat Ram and others** it is held by Hon'ble Supreme Court that bail once granted should not be canceled in a mechanical manner without considering whether any supervening circumstances have rendered it no longer conducive to a fair trial to allow accused to retain his freedom by enjoying concession of bail during the trial. In **Godson V/s. State of Kerala**, the Hon'ble Kerala High Court held that mere allegation of the involvement of petitioners in the subsequent crime after 3 years of the crime in which the bail was granted, cannot by itself be a reason for the cancellation of bail.

13. Order below Exh. 1034 is already passed for keeping the said document in concerned file. In the case in hand, in view of order of Hon'ble Supreme Court in Miscellaneous Application No. 610/2024 in M. A No. 1530/2023 in SLP (Crl.) No. 4893/2021 dated 22/03/2024, it is clarified that *if there is any allegations with regard to breach of the conditions imposed upon*

the accused No. 1, while granting him the bail, is made, the trial Court shall be at liberty to pass appropriate orders on the application that may be filed by the applicant / complainant in accordance with law. In view of the said observation I am of the opinion that even if the accused No. 1 is enlarged on bail by the Hon'ble Supreme Court, this court is vested with the power to cancel the same. Therefore, there is no substance in the submission of learned advocate of accused No. 1 that the bail granted by the Hon'ble Supreme Court, cannot be canceled by this Court.

14. Learned advocate of accused No. 1 in his reply has given reference of pendency of application Exh. 1026. On perusal of application Exh. 1026, it is in respect of production of documents i.e. copy of complaint application dated 30/09/2025 submitted by informant to the office of Superintendent of Police, Dhule. So, it cannot be said that it is pending for order as order of production of the said document is granted and thus, the application is disposed off.

15. The record also shows that similar type of application for cancellation of bail of accused No. 1 was filed by informant vide Exh. 591 and the same is rejected. Now the present application is filed by API Kapadnis. The contents of application itself shows that the complaint application dated 30/09/2025 was submitted by informant to the office of Superintendent of Police,

Dhule. It was forwarded to West-Deopur Police Station and as per order of API Kapadnis, Assistant PSI Aakhade conducted the inquiry and submitted the report. So, it cannot be said that API Kapadnis has no authority to file the present application.

16 Admittedly, this Court was on leave on 30/09/2025. So, the time of end of the court proceeding on that day is not known. The Rozanama dated 30/09/2025 nowhere reflects that the Court proceeding was over at 1:50 pm. So, no conclusion can be drawn in that respect.

17. As far as the allegation against accused No. 1 that on 30/09/2025 he was seen in Garud complex near Kamlabai School, is considered, the statement of Rajesh Ganpat Pawar recorded by Assistant PSI Aakhade itself shows that he had gone there with accused No. 1 for repairing his spectacle. Though there is variance in the timing mentioned by Rajesh Ganpat Pawar and the informant, in their statement and complaint application, the statement of Rajesh Pawar itself shows that accused remain there after court working was over. As rightly submitted by learned advocate of accused No. 1, no particular route is directed to be adopted by the accused No. 1 while entering or leaving the jurisdiction of Dhule city, however, the same does not mean that accused should repair his spectacle or indulge in any other activities while leaving the jurisdiction of Dhule city. The order dated 10/11/2023 below Exh. 585 passed by this court shows that

the accused No. 1 is permitted to remain present in the court premises on every date of hearing at 10:00 am and he shall leave the jurisdiction of Dhule district as soon as the evidence of witnesses is over on each date and shall not enter the jurisdiction of Dhule district before 10:00 am.

18. The matter is admittedly fixed for final arguments, and record shows that it is adjourned on the request of prosecution. Meanwhile this application and Exh. 1037 is tendered by accused No. 1 for relaxation of bail condition . So, it appears that both the parties are trying to cause delay in the progress of trial by filing such applications. The applications of other accused persons submitted through Jail superintendent shows that they have prayed for conducting the trial on day to day basis.

19. Now even if the presence of accused No. 1 near Garud complex is considered, it cannot be said to be interference with the conduct of a fair trial of the case in which he is involved and it is for the prosecution and defense to argue the matter finally. There are no allegations that the accused tried to threaten the informant and other witnesses. Since the prosecution and defense evidence is concluded, it cannot be said that accused No. 1 has misused the liberty granted to him. There is no material to show, even prima-facie that the conduct of accused No. 1 post grant of bail, has been such that he should be deprived of his liberty.

20. The judgment cited by the learned advocate of accused No. 1 differs in facts from the present case. So, they are not applicable. However, I am of the opinion that specific directions needs to be given to accused in the background of the allegations made against him. Resultantly, I pass following order.

ORDER

01. Application at Exh. 1033 is hereby rejected.
02. In addition to the earlier conditions of bail, accused No. 1 is directed to avail nearest route to approach Railway Station after court proceeding is over, on each date.
03. He shall not wander for his personal work or for any other work in Dhule District or next action will be viewed seriously.
04. Both the parties are directed to conclude the final arguments, as early as possible.

Dhule
Date: 24/11/2025

(Jayshri R. Pulate)
Additional Sessions Judge,
Dhule,

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I certify that the contents of this PDF File are word to word as per original Judgment/Order.

Name of the Steno : Pravin R. Pande,
Name of the Court : Additional Sessions Court, Dhule
Judgment delivered on: 24/11/2025
Judgment signed by P.O.:25/11/2025
PDF Uploading Date : 25/11/2025

Sd/-xx
Stenographer

