

MHOS010009272026

Order below Exh.01 in Cri. M.A.No. 60/2026 (Vilas Vs. State and others)

The applicant/original informant has filed this application for cancellation of bail on the ground that non-applicant Nos.2 and 3 have violated the bail conditions imposed vide the order dated 22-11-2022 in Cri. Bail Application No.590/2022.

2a. Prosecution case giving rise to the Cri. Bail Application No.590/2022 is that, the applicant is a Tailor who is the native of village Khuntewadi, Tal.Tuljapur but was residing at Loni Kalbhor, Pune. Informant/present applicant would visit his native place occasionally and on one occasion when he has visited his village Sharad Achut Kadam i.e. non-applicant No.2 had expressed to him that he likes one girl who is the daughter of the sister-in-law of the sister of the informant and non-applicant No.2 Sharad Kadam had proposed that as he is desirous to marry the said girl the informant should intervened. But, the informant informed that as the girl is minor he cannot convey the said message. It is alleged that non-applicant No.2 abused the informant on this ground and since then he is holding grudge against the informant.

2b. It is further submitted that on 02-09-2022 the informant had been to his village. On 03-09-2022 in the morning at around 09.00 a.m. he was sitting alone near Maruti temple. At that time Sharad Kadam and Mahadeo Jadhav were performing Arati in the temple and after that they came on motorcycle and Sharad Kadam was holding Koyta. Sharad Kadam asked the informant as to why the informant abused the chairman and threatened that he will kill the informant and inflicted

injury on the thigh of the informant. Mahadeo Jadhav also assaulted the informant. Sharad Kadam gave another blow on the head of informant and Rahul Kadam also assaulted the informant by means of stick on his head, back. Nephew of the informant by name Sambhaji Shivaji Jadhav intervened and rescued the informant. Hence, F.I.R. came to be registered against Sharadh Kadam, Rahul Kadam, Mahadeo Jadhav and Kailas Jadhav. In the offences vide aforesaid order bail was granted to non-applicant No.1 on the ground that a) he shall not commit any offence or indulge in the similar activity, b) he shall not enter village Khuntewadi, Tal.Tuljapur, Dist. Osmanabad till committal of the case, c) He shall attend the Court regularly on the date fixed in the case, d) he shall not tamper the prosecution evidence, e) He shall not pressurize the witnesses & f) he shall not communicate/contact directly or indirectly with the informant and witnesses.

3. It is alleged by the applicant that non-applicant Nos.2 & 3 has violated the bail conditions. On 17-04-2026 the non-applicant Nos. 2 and 3 again asked the informant to withdraw F.I.R. lodged against them and when the informant said that the matter would be resolved as per the law non-applicant No.2 caught hold of the neck of informant and non-applicant No.3 gave a blow of wooden log on his back, hands. Said incidence had taken place at Loni Kalbhor hence the informant reported it at Loni Kalbhor police station and the crime No.264/2026 under Section 118(1), 353, 351(2) of B.N.S. is registered against non-applicant Nos.2 & 3. It is further submitted by the applicant that, as the non-applicant Nos.2 & 3 have violated the bail conditions in order dated 22-11-2022 in Cri.Bail Application No.590/2022, bail granted to them be cancelled.

4. Notice was issued to the non-applicant Nos.2 & 3 pursuant to which they have filed say vide Exh.9. It is submitted by the non-applicant Nos.2 & 3 that alleged incident on 17-4-2026 is false and they were implicated in a false case. It is submitted by the non-applicant No.2 that the niece of the informant is having love affair with non-applicant Nos.2 since the year 2021 and the informant and his relatives threatened non-applicant No.2 not to keep any relation with the niece of the informant hence the informant is implicating non-applicant Nos.2 & 3 in various false offences. It is submitted that non-applicant Nos.2 & 3 have not violated any of the bail conditions and the NCR registered at Loni Kalbhor police station is false. It is further submitted that, non-applicant No.2 has filed Writ Petition No.1738/2025 before the Hon'ble High Court, Bombay, bench at Aurangabad for quashing F.I.R. No.138/2022 registered at Tamalwadi police station. Hence, it is prayed that the application be rejected.

5. Upon notice the non-applicant No.1 i.e. prosecution has filed say at Exh.10. It is submitted that the non-applicant Nos.2 & 3 have violated the bail conditions, offence committed by them is serious in nature and if bail granted to them is not cancelled they will commit other cognizable offences. Hence, it is prayed that the application be allowed.

6. Heard, the learned advocate for the applicant, non-applicant Nos.2 & 3 and P.P. for non-applicant No.1. All of them submitted in tune with their respective pleadings.

7. In order to appraise the submissions made before me by advocates of both the sides, I have perused the record. Perusal of the record reveals that the non-applicants were granted bail on 22-11-2022

and they have adhered to the bail conditions. Applicant has not made out any of the ground for cancellation of bail.

8. It is well settled legal position as laid down by the Hon'ble Apex Court in **Mehboob Dawood Shaikh V/s State of Maharashtra, (2004) 2 SCC 362**, that the grounds for cancellation of bail under Sections 437(5) and 439(2) are identical, namely, bail granted under Section 437(1) or (2) or Section 439(1) can be cancelled where (i) the accused misuses his liberty by indulging in similar criminal activity, (ii) interferes with the course of investigation, (iii) attempts to tamper with evidence or witnesses, (iv) threatens witnesses or indulges in similar activities which would hamper smooth investigation, (v) there is likelihood of his fleeing to another country, (vi) attempts to make himself scarce by going underground or becoming unavailable to the investigating agency, (vii) attempts to place himself beyond the reach of his surety. These grounds are illustrative and not exhaustive.

9. It is also observed by the Hon'ble Apex Court in **Dolat Ram V/s State of Harayana, 2010 Cri.L.J. 3588(SC)**, that rejection of bail in a non-bailable case at the initial stage and the cancellation of bail so granted, have to be considered and dealt with on different basis. Very cogent, overwhelming circumstances are necessary for an order directing the cancellation of the bail, already granted. Generally speaking, the grounds for cancellation of bail broadly are: interference or attempt to interfere the due course of administration of justice or attempt to evade the due course of justice or abuse of the concession granted to the accused in any manner. The satisfaction of the Court, on the basis of material placed on the record of the possibility of the accused absconding is yet another reason justifying the cancellation of

bail. However, bail once granted should not be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during trial. These principles, it appears were lost sight of by the High Court when it decided to cancel the bail, already granted. The High Court appears to us overlooked the distinction of the factors relevant for rejecting bail in non-bailable case in the first instance and the cancellation of bail already granted.

10. Considering above settled legal position, I find that in the present matter, no grounds for cancellation of bail as laid down in aforesaid ruling are made out. Moreover, perusal of order dated 22-11-2022 in Cri.Bail Application No.590/2022 it reveals that the Court has grant bail only to Sharad Achyut Kadam i.e. non-applicant No.1 and the applicant has filed present application for cancellation of bail granted to non-applicant Nos.1 & 2. Hence, present application for cancellation of bail deserves to be rejected. Accordingly, I pass the following order:

ORDER

Cri. M.A. No.60/2026 stands rejected.

(Dictated and declared in open Court.)

Date: 21-07-2026.

(A.D. Deo)
Sessions Judge, Osmanabad.

CERTIFICATE

I affirm that, the contents of this P.D.F. file Judgment/order are same, word to word, as per the original Judgment/order.

Name of Stenographer	A.S.Aghor, Stenographer (Grade-I)
Court	District Court, Osmanabad
Date	21-07-2026
Order signed by the Presiding Officer on	21-07-2026
Order uploaded on	21-07-2026