

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 604 OF 2016

Nitin Govind VaidyaApplicant
V/s.	
Sudhakar Bhalchandra Kothavade & Ors.Respondents

**WITH
CRIMINAL APPLICATION NO. 605 OF 2016**

Nitin Govind VaidyaApplicant
V/s.	
Subhash Baburao Sonawane & Ors.Respondents

**WITH
CRIMINAL APPLICATION NO. 681 OF 2016**

The State of MaharashtraApplicant
V/s.	
Sudhakar Bhalchandra Kothavade & Ors.Respondents

**WITH
CRIMINAL APPLICATION NO. 680 OF 2016**

The State of MaharashtraApplicant
V/s.	
Subhash Baburao Sonawane & Ors.Respondents

Mr. Avinash B. Avhad for the applicant in APPLN 604/16 and 605/16.
Mr. S.S. Pednekar, APP for the applicant/State in APPLN 681/2016 and
APPLN 680/2016.
Mr. Ganesh Gole for the respondent.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED: 31st OCTOBER, 2018.**

P.C.:

. These applications are filed under section 439(2) of the Criminal Procedure Code by the aforesaid applicants seeking cancellation of bail granted to the respondent nos.2 to 7 by order dated 07/09/2016 passed by the Additional Sessions Judge-5, Nashik in Criminal Bail Application Nos.981 of 2016 and 982 of 2016.

2. Heard Mr. Avinash Avhad, learned counsel for the applicants, Mr. S.S. Pednekar, learned APP for the State and Mr. Ganesh Gole, learned counsel for the respondent. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. Pursuant to the first information report lodged by the Auditor, Narayan Dhurpatrao Gandhekar, C.R.No.87/2016 was registered at Deola Police Station, Nashik against the respondent nos.2 to 7 for committing offences punishable under sections 406, 408, 409, 468 and 471 of the Indian Penal Code and section 3 of MPID Act.

4. The applicants herein had filed the Bail Application No.783 of 2016 and 822 of 2016, which were dismissed by the learned Additional

Sessions Judge-5, Nashik by order dated 25/07/2016. The respondents thereafter filed subsequent Bail Application Nos.981 of 2016 and 982 of 2016 which came to be allowed vide two separate orders both dated 07/09/2016.

5. Mr. Avinash Avhad, learned counsel for the applicants submits that the learned Additional Sessions Judge was not competent to grant bail in view of the dismissal of previous bail application without there being any change in circumstance.

6. A perusal of the orders dated 07/09/2016 reveals that the learned Judge was conscious of the fact that he was dealing with the subsequent bail applications. While deciding the said applications, the learned Judge had also considered the fact that after the dismissal of the previous application, the respondents had deposited Rs.80,00,000/- and had shown their willingness to deposit the balance amount.

7. The bail granted cannot be cancelled on the ground that the applicants have not transferred the land in favour of the society. Mr. Ganesh Gole, learned counsel for the respondents submits that as on date, the respondents had initially deposited Rs.75 lakhs and thereafter

Rs.1,10,00,000/-. Be that as it may, the records reveal that the applicants are on bail since the year 2016. There is nothing on record to indicate that they had misused the liberty during the period they were on bail. Charge sheet has already been filed. There are no supervening circumstances justifying cancellation of bail.

8. Considering the above facts and circumstances, in my considered view, the applicants have failed to make out a case for cancellation of bail. Hence, the Applications are dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)