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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 450 OF 2015

Jamila Musaddiq Parkar @ Jamila Abdul Rahiman	..Applicant.
Vs.	
The State of Maharashtra & Ors.	..Respondents

Mr. Shreeram Shirsat for Applicant.
Ms. S.S. Kaushik, APP for the State.
Mr. Mohammad Imran Shaikh for Respondent No.4.
Mr. Waghamare, PSI, V.B. Nagar Police station

CORAM: A.S. GADKARI, J.

DATE : 20th November 2015.

P.C.

1 This is an application for cancellation of anticipatory bail granted to the respondent no.4 by the Additional Sessions Judge, Sessions Court, Greater Mumbai in Anticipatory Bail Application no.399 of 2015. The applicant is wife of respondent no.4 who has filed the first information report bearing C.R. No.82 of 2015 with the Vinoba Bhave Nagar Police Station, Mumbai under Sections 498A, 323 and 506 of the Indian Penal Code.

2 While allowing the said Application No.399 of 2015 and

releasing the respondent no.4 on pre-arrest bail the learned Trial Court in para-3 has observed that the respondent no.4 and his wife are staying under the same roof. The respondent no.4 is also paying maintenance to his wife. After taking into consideration various other related aspects, the learned Trial Court has granted pre-arrest bail to the respondent no.4 by its order dated 29.4.2015 which is impugned herein.

3 The learned Counsel for the applicant submitted that in the said para-3 of the impugned order, the Trial Court has observed that the first informant i.e. the applicant herein was not present in the Court on that date and that she had filed a reply. He submitted that as a matter of fact, when he took search of the record of the Trial Court, the said reply of applicant is not on record. He therefore submitted that an opportunity be given to his client to place the facts before the Court before granting the anticipatory bail to the respondent no.4.

4 I find no substance in the said submission. A useful reference can be made at this stage to the celebrated judgment of the Supreme Court reported in 2001 AIR SCW 1935 in the case of Puran Vs. Rambilas wherein the parameters for cancellation of bail have been laid down by the Supreme Court. It has been categorically held by the Supreme Court that for cancellation of bail granted to a person, one such ground would be

where ignoring material and evidence on record a perverse order granting bail is passed in a heinous crime and that too without giving any reasons. The Supreme Court in the said judgment has further laid down various principles which are to be taken into consideration at the time of cancellation of bail of a person once granted.

5 In my opinion the order passed by the Trial Court dated 29.4.2015 which is impugned herein is passed after taking into consideration the facts and circumstances of the said case. I do not see any perversity in the said order, either on facts or on law. In view of the same, I find no merits in the application. Hence, the application is dismissed.

(A.S. GADKARI,J.)