

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

CRIMINAL APPLICATION NO. 114 OF 2016

Manisha Yogesh Dhamdhare	Applicant
V/s.	
Bandopant Martandrao Dhamdhare & Ors.	Respondents

Mr. Ashok B. Tajane for the applicant.
Ms. Pallavi N. Dabholkar, APP for the State.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED: 05th OCTOBER, 2018.**

P.C.:

. This is an application under Section 439(2) of Criminal Procedure Code filed by the aforesaid applicant, seeking cancellation of bail granted to the respondent nos.1 to 5 herein by the Additional Sessions Judge, Pune vide order dated 19/01/2016 in Criminal Bail Application No.3376/2015.

2. Heard Mr. Ashok B. Tajane, learned counsel for the applicant and Ms. Pallavi N. Dabholkar, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The applicant herein was the first informant in C.R.No.186/2015 registered with Chandannagar Police Station for offences punishable

under section 498-A, 406, 323, 504 r/w. 34 of the Indian Penal Code.

4. The applicant was married to the respondent no.3-Yogesh Dhamdhere in the year 2008 and they have one child from the said wed-lock. The respondent nos.1, 2, 4 and 5 are the family members of respondent no.3. The applicant had claimed that since the time of her marriage, her husband and his members had been subjecting her to physical and mental cruelty. There are also allegations of demand of dowry.

5. The learned Additional Sessions Judge, Pune, while granting the bail has considered the fact that the allegations against the respondents are general in nature. The learned Judge has also observed that the FIR appears to be an off shoot of matrimonial dispute.

6. The applicant has sought cancellation of bail on the ground that there is sufficient material to indicate that the respondents are involved in subjecting her to mental and physical torture and cruelty. It is stated that the gravity of the offence did not justify grant of bail.

7. At the outset, it may be mentioned that parameters for cancellation of bail and grant of bail are entirely different. As it has

been held by the Apex Court in *Bhagirathsinh Jadeji v/s. State of Gujarat 1984 Cr.L.J.160* and in *Dolat Ram v/s. State of Haryana 1995 SCC (1) 349*, bail once granted cannot be cancelled in a mechanical manner unless there are supervening circumstances which justify cancellation of bail and/or the order is perverse or is based on irrelevant material. Very cogent and overwhelming circumstances are necessary for an order seeking cancellation of the bail.

8. Having gone through the records and the order dated 19/01/2016, I am of the considered view that the order dated 19/01/2016 passed by the Additional Sessions Judge, Pune is based on material on record. The order is neither perverse nor ex-facie illegal. Furthermore, the respondent nos.1 to 5 are on bail since 2016. The charge sheet has been filed and there are no allegations that the respondents have misused the liberty. There are no supervening circumstances which justify cancellation of bail.

9. Considering the above facts and circumstances, in my considered view, the applicant has failed to make out a case for cancellation of bail. Hence, the Application is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)