

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

CRIMINAL APPLICATION NO. 565 OF 2015

Trupti Himanshu Kumar

....Applicant

V/s.

Himanshu Kumar & Ors.

....Respondents

Mr. Jaydeep Deo a/w. Mr. Sanjay K. Gunjkar for the applicant.

Mr. Milind Sawant i/b. Ms. Sangeeta S. Salvi for respondent
nos.1 to 5.

Mr. S.R. Agarkar, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 17th OCTOBER, 2018.

P.C.:

. This is an application filed by the applicant/first informant for cancellation of pre-arrest bail granted to the respondent no.1 by the Additional Sessions Judge, Pune vide order dated 13/04/2015 in Criminal Bail Application No.1864 of 2015.

2. The applicant is the wife of respondent no.1. The matrimonial discord between the applicant and respondent no.1 resulted in the first informant/wife lodging the first information report against the respondent no.1 and his wife before Dattawadi Police Station, Pune pursuant to which C.R.No.145/2015 was registered for offences under

sections 498-A, 406 and 494 r/w. 34 of the Indian Penal Code.

3. The respondent no.1 had filed the application under section 438 apprehending his arrest in the said crime. Whilst allowing the pre-arrest bail, the learned Additional Sessions Judge, Pune has observed that the allegations in the first information report are general in nature and that the first information report is a consequence of matrimonial dispute between the first informant and her husband and other members of his family. The bail is sought to be cancelled on the ground that Stridhan is not yet recovered and there is possibility that the applicant in jumping bail.

4. It may be mentioned that parameters for cancellation of bail are different from those to be considered whilst grant of bail. As it has been held by the ***Apex Court in Dolat Ram vs. 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 ex-facie illegal.

5. In the instant case, the bail was granted in the year 2015. The investigation is concluded and charge sheet has been filed. There is

nothing on record to show that during this period the applicant has misused the liberty or that he has violated any of the conditions of the bail. Suffice it to say that bail cannot be cancelled on a vague apprehension that he is likely to abscond or travel to foreign country. In my considered view, the order passed by the learned Additional Sessions Judge, Pune is neither perverse nor ex-facie illegal. Besides, there are no supervening circumstances which justify cancellation of bail. The applicant has failed to make out a case for cancellation of bail. Hence, the Application is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)