

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

CRIMINAL APPLICATION NO. 539 OF 2016

Mahesh Jaykumar Navale

....Applicant

V/s.

The State of Maharashtra & Anr.

....Respondents

Mr. V.V. Purwant for the applicant.

Mr. N.B. Patil, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 09th OCTOBER, 2018.

P.C.:

. This is an application under section 439 of Criminal Procedure Code seeking cancellation of bail granted to the Respondent No.2 by Additional Sessions Judge, Pune by order dated 21/07/2016 in Criminal Bail Application No.2084/2016.

2. Heard Mr. V.V. Purwant, learned counsel for the applicant and Mr. N.B. Patil, 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 records *prima facie* reveal that the respondent no.2 was

married to the sister of the first informant on 11/05/2015. She had committed suicide on 11/06/2016. The brother of the deceased lodged the first information report on 12/06/2016 alleging that his sister had committed suicide because of the cruelty meted out to her by respondent no.2. There are also allegations that the respondent no.2 was constantly pressurizing the deceased to get money from her family for his further education.

4. The learned Additional Sessions Judge, Pune while granting the application has observed that the allegations in the first information report do not prima facie constitute cruelty to such an extent as to drive Chameli, the wife of respondent no.2 to commit suicide. The learned Judge has held that the facts and circumstances do not justify custodial interrogation and has granted the application under section 438 of the Criminal Procedure Code.

5. At the outset, 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 justifies bail and/or the order is perverse or ex-facie illegal.

6. Having gone through the records and the order dated 21/07/2016, I am of the considered view that the order dated 21/07/2016 passed by the Additional Sessions Judge, Pune is not perverse or ex-facie illegal and the same is based on material on record. It is not in dispute that the charge sheet has already been filed. There are no allegations that the respondent no.2 has misused the liberty. There are no supervening circumstances which justify cancellation of bail. 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.)