

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

CRIMINAL APPLICATION NO. 653 OF 2016

The State of MaharashtraApplicant

V/s.

Jaydeep Jayram ChavanRespondent

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

Mr. S.M. Shinde, Asst. PI, Yavat Police Station, Pune Rural, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 17th OCTOBER, 2018.

P.C.:

. This is an application filed by the State for cancellation of bail granted to the Respondent No.1 by the learned Additional Sessions Judge, Baramati vide order dated 09/08/2016 in Criminal Bail Application No.370/2016.

2. Heard Mr. S.R. Agarkar, learned counsel for the applicant/State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The applicant was arrested in C.R.No.158/2016 registered at Yawat Police station for offences punishable under sections 302, 307 r/w. 34 of the Indian Penal Code.

4. The case of the prosecution in brief is that on 22/03/2016, between 04:00 to 05:00 p.m., the respondent no.1 and other co-accused in furtherance of their common intention committed murder of Ramesh Barate and Sheetal. Whilst allowing the application, the learned Additional Sessions Judge, Baramati has observed that the material on record shows that property dispute between the family of the first informant and the accused had resulted in death of Sheetal and Ramesh Barate. The learned Judge has held that the respondent no.1 was not related to the first informant/deceased or the other co-accused. He, prima facie, had no motive to commit the murder. The learned Judge has also observed that there is no prima facie material to show that he shared common intention to commit murder of Sheetal and Ramesh Barate. The learned Judge, after considering the material on record, held that the applicant is entitled for bail.

5. 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.

6. In the instant case, the order passed by the learned Additional Sessions Judge, Baramati is neither perverse nor ex-facie illegal. There is nothing on record to show that the respondent no.1 has misused the liberty. There are no supervening circumstances to cancel the bail. The learned APP submits that the charge sheet has already been filed and charge has already been framed. In my considered view, the applicant has failed to make out a case for cancellation of bail.

7. Hence, the Application is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)