

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

CRIMINAL APPLICATION NO.664 OF 2016

The State of Maharashtra

..Applicant

v/s.

Kunal @ Appa Suhas Sonawane

..Respondent

Ms. Pallavi Dabholkar, APP for the Applicant-State.

None for the Respondent.

Mr. A.S.Thorat, Police Constable, Walchand Nagar Police Station,
present.

CORAM : ANUJA PRABHUDESSAI,J.

DATED : OCTOBER 19, 2018.

P.C.

1. This is an application under Section 439 (2) of Cr.P.C. filed by the applicant, for cancellation of bail granted to the respondent by the learned Addl. Sessions Judge, Baramati, District Pune vide order dated 16th August, 2016 in Anticipatory Bail Application No. 394 of 2016.

2. Heard Ms. Dabholkar, the learned APP for the State. I have perused the records.

3. The records reveal that one Shailesh Phadtare, husband of

deceased Manisha had lodged a report alleging that the applicant herein had set his wife Manisha ablaze and thereby caused death of Manisha. Pursuant to the said FIR, crime No. 1 of 2016 was registered against the respondent at Walchan Nagar Police Station, Pune, for offences under Section 302, 452, 504, 506 r/w. 34 of the IPC.

4. The respondent had filed an application under Section 438 of Cr.P.C. being Anticipatory Bail Application No. 394 of 2016. Said application was granted by the learned Addl. Sessions Judge, Baramati, Pune vide order dated 16th August, 2016. Whilst granting pre-arrest bail, the learned Sessions Judge had observed that the victim had stated that she had sustained burn injuries due to the blast of stove. The learned Judge had also observed that the applicant had himself sustained injuries. The learned Judge further observed that there is considerable delay in lodging the FIR. The learned Judge further observed that the nature of allegations leveled against the applicant does not justify custodial interrogation and hence granted pre-arrest bail on certain terms and conditions specified in clauses (2) to (5) of the order.

5. It may be mentioned that parameters of cancellation of bail are entirely different from those to be considered whilst granting bail. Bail once granted, cannot be mechanically canceled unless there are supervening circumstances which warrant cancellation of bail, and that the order is totally illegal, perverse and/or based on irrelevant material. In the instant case, the learned APP has not been able to point out any supervening circumstances which would justify cancellation of bail. The order is based on material on record and hence cannot be considered to be perverse or illegal. The said order was passed in the year 2016. It is stated that charge is framed and summonses have already been issued to the witnesses. There is nothing on record to indicate that the respondent has violated any of the terms and conditions of the order and/or that he has misused the liberty.

6. Considering all the above facts and circumstances, in my considered view, no grounds are made out for cancellation of bail. Hence, the application is dismissed.

(ANUJA PRABHUDESSAI, J.)