

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

CRIMINAL APPLICATION NO.206 OF 2017

MEGHA
S
PARAB

Digitally signed
by MEGHA S
PARAB
Date:
2021.10.12
12:04:45
+0530

Smt. Nisha Amrit Pandey

...Applicant

Versus

The State of Maharashtra and Ors.

...Respondents

....

Mr. Vijay Hiremath for the Applicant.

Mr. S.V. Gavand, APP for Respondent No.1-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 8th OCTOBER, 2021.

P.C.:-

This is an application for cancellation of pre-arrest bail granted to Respondent Nos.2 to 6 vide order dated 06/03/2017 in Anticipatory Bail Application No.356 of 2017.

2. Heard learned counsel for the Applicant and learned APP for the State. Perused the records.

3. Pursuant to the FIR lodged by the Applicant Crime No.86 of 2017 came to be registered with Mulund Police Station for offences punishable under Sections 323, 406, 498A, 504 and 506 of the IPC. Apprehending their arrest in the said crime, Respondent Nos.2 to 6 filed an application for pre-arrest bail, which came to be allowed by order

dated 06/03/2017.

4. Learned counsel for the Applicant states that bail is sought to be cancelled only in view of the observations made by the learned Sessions Judge in paragraph 7 of the order, wherein it is stated that non returning of the ornaments does not constitute offence under Section 406 of the IPC. Learned counsel for the Applicant states that trial court may get influenced by the said observations made by the sessions Court.

5. Suffice it to say that observations made in the bail application are prima facie in nature and cannot be considered while deciding the case on merits. Hence, bail cannot be cancelled only in view of the observations made in paragraph 7 of the order. Furthermore, it is stated that charge sheet has been filed and Respondents have been granted regular bail.

6. In view of the above facts and circumstances, no case is made out for cancellation of bail. Application is therefore dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)