

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.221 OF 2022
IN
BAIL APPLICATION NO.2773 OF 2019

Smita Vishnu Sangare .. Applicant

Versus

Nitin Shamrao Zende & Anr. .. Respondents

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Mr.Mayur Sapgale for the Applicant.

Mr.S.H.Yadav, A.P.P. for the State/Respondent.

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CORAM: BHARATI DANGRE, J.

DATED : 21st JUNE, 2022

P.C:-

1. By the present application, the complainant seeks cancellation of bail of applicant-Nitin Zende. The applicant was granted bail vide order dated 14/10/2019, subject to the condition that he shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

2. The learned counsel for the complainant has invited my attention to certain comments posted upon an App known as 'StarMaker' and reading of the same would reveal that certain objectionable comments are offered. However, it is not clear, whether the applicant himself is a source of such comments and even if it is so, the complainant is at liberty to initiate appropriate proceedings against him.

An application under Section 439(2) of Cr.P.C., seeking cancellation of bail, can be entertained only on limited grounds, being when there is a breach of condition of bail or the order has been passed by taking into consideration the irrelevant material or by ignoring the relevant material. However, this is not the case of the complainant here. While releasing the applicant on bail, this Court had recorded that the relationship between the parties was, *prima facie*, consensual and whether it is consensual or not, it will be decided at the time of trial.

3. Since no ground is made out for cancellation of bail, the application stands dismissed.

(SMT. BHARATI DANGRE, J.)