

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPLN) NO.100 OF 2022

(SWANIL ANIL KHADE...VS.. GAURI RAMESH RAJAM @ GAURI PRAKASH JADHAV & ANR.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Yuwraj Y. Humne, Advocate for Applicant.
Shri S.I.Khan, Advocate for Non-applicants.

CORAM : ANIL S. KILOR, J.
DATED : DECEMBER 12, 2022.

1. Heard.
2. This is an application for cancellation of regular bail granted to non-applicant Nos. 1 and 2 by the trial Court. The ground on which the cancellation of regular bail of the non-applicant Nos. 1 and 2, is sought is that the non-applicant Nos. 1 and 2 have breached the condition of attending Police Station on every Sunday and further the trial Court has not recorded proper reasons for grant of bail.
3. The learned counsel for the non-applicant Nos.1 and 2 strongly opposed the application and submits that charge-sheet has been filed after completion of the investigation. It is further pointed out that the non-applicant Nos. 1 and 2 were in jail for 15 days before granting bail.
4. The learned A.P.P. fairly states that the State has not filed any application for cancellation of bail or

seeking custody of the non-applicant Nos. 1 or 2 for further investigation, as the charge-sheet has been filed.

5. In this case, as the charge-sheet has already been filed after completion of the investigation, the condition of attending Police Station on every Sunday and to cooperate the Investigating Officer in investigation has lost its efficacy.

6. Whereas, as far as another point that appropriate reasons are not recorded by the trial Court is concerned, in this regard law is settled that if the ultimate conclusion of the bail is sustainable in the eyes of law, even if improper recording of certain findings cannot be termed as perverse.

7. The Hon'ble Supreme Court of India in the case of *Puran Vs. Rambilas and another*, reported in (2001) 6 SCC 338 has held thus :

“10. Mr. Lalit next submitted that once bail has been granted it should not be cancelled unless there is evidence that the conditions of bail are being infringed. In support of this submission he relies upon the authority in the case of Dolat Ram vs. State of Haryana. In this case it has been held that rejection of bail in a non-bailable case at the initial stage and the cancellation of bail already granted have to be considered and dealt with on different basis. It has been held that very cogent and overwhelming circumstances are necessary for an order directing the cancellation of

the bail already granted. It has been held that generally speaking the grounds for cancellation of bail broadly are interference or attempt to interfere with the due course of administration of justice or evasion or attempt to evade the due course of justice or abuse of the concession granted to the accused in any manner. It is, however, to be noted that this Court has clarified that these instances are merely illustrative and not exhaustive. One such ground for cancellation of bail would be where ignoring material and evidence on record a perverse order granting bail is passed in a heinous crime of this nature and that too without giving any reasons. Such an order would be against principles of law. Interest of justice would also require that such a perverse order be set aside and bail be cancelled. It must be remembered that such offences are on the rise and have a very serious impact on the Society. Therefore, an arbitrary and wrong exercise of discretion by the trial court has to be corrected.”

8. Thus, considering the above referred well settled law, as discussed by the Hon’ble Supreme Court of India, in the case of *Puran vs. Rambilas* (supra), I have no hesitation to hold that no permissible ground is made out for cancellation of bail. Accordingly, I pass the following order:

The Criminal Application is **rejected**.