

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**BENCH AT AURANGABAD**

APPLICATION FOR CANCELLATION OF BAIL NO.240 OF 2022

RUPALI W/O. GOKULSINGH PARDESHI  
VERSUS  
DISTRICT SUPERINTENDENT OF POLICE, DHULE AND OTHERS

...  
Advocate for Applicant : Mr. Vijay Bhalerao Patil  
APP for Respondents No.1 and 2/State : Mr. S. P. Sonpawale  
...

**CORAM : S. G. MEHARE, J.**

**DATE : 05-01-2023**

**PER COURT :-**

1. Additional documents tendered by the learned counsel for the applicant across the bar are taken on record.
2. The applicant has approached for cancellation of bail granted to respondent No.3 by the learned Sessions Judge, Dhule.
3. Mr. Patil, the learned counsel for the applicant has vehemently argued that the offence is serious. However, reasons recorded by the learned Sessions Court granting bail are against the principles of law. He did not consider severity of the offence. He also referred to the documents filed today in the Court and vehemently argued that respondent No.3 had no case for bail. He has also argued that in such a serious offence, no bail could have been granted.

4. Perused the papers and the order granting bail to respondent No.3. The law as regards cancellation of bail has been settled in ***Gurucharan Singh vs State (Delhi Administration) AIR 1978 SC 179***, for canceling the bail granted to accused, there must be certain co-relative circumstances or before granting bail, the Court did not consider the material produced before it.

5. The Hon'ble Apex Court, in the case of ***Puran*** cited supra, has reproduced the ratio laid down in the case of ***Gurucharan Singh vs State (Delhi Administration)*** cited supra. It has been extracted as below;

*"If, however, a Court of Session had admitted an accused person to bail, the State has two options. It may move the Sessions Judge if certain new circumstances have arisen which were not earlier known to the State and necessarily, therefore, to that Court. The State may as well approach the High Court being the superior Court under section 439(2) to commit the accused to custody. When, however, the State is aggrieved by the order of the Sessions Judge granting bail and there are no new circumstances that have cropped up except those already existed, it is futile for the State to move the Sessions Judge again and it is competent in law to move the High Court for cancellation of bail. This position follows from the subordinate position of the Court of Sessions vis-a-vis the High Court."*

6. The law is settled that at the stage of considering the application for bail, a detailed examination of evidence and elaborate documentation on the merits of the case has not to be undertaken. However, *prima facie* evidence has to be seen.

7. The order granting bail reveals that the learned Sessions Judge has gone through the police papers. He recorded the reasons about the conduct and antecedents of respondent No.3. He has also observed that respondent No.3 has roots in village Jaitpur, Taluka Shirpur, District Dhule. Thus, his presence can be secured. Apart from that, reasons have been assigned that immediately after, on the day of accident, victim was discharged from hospital. The injuries suffered to injured were simple. Almost the investigation is over.

8. The Court is of the view that the learned Sessions Judge, Dhule, while considering the bail application, has considered the well settled aspects and the principles dealing with bail application. The order granting bail is neither arbitrary nor perverse. There are no overwhelming circumstances to cancel the bail. In view of the settled law as regards the cancellation of bail, the Court does not find a substance in the application. Hence, the application stands dismissed *in limine*.

**( S. G. MEHARE )  
JUDGE**

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