

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

Criminal Application No. 113 of 2021

The State of Maharashtra
(Through MIDC Kupwad Police Station)

...Applicant

Vs.

Sarang Kamlakar Mohite
Age 21, Occ. Nil,
R/at. Shivsaktinagar, Old Kupwad Road,
MIDC Miraj, Tal. Miraj, Dist. Sangli.

...Respondent

Mr. Yogesh Y. Dabke, APP for the Applicant/ State.

None present for the Respondent.

PSI Vishwajeet S. Gadave, MIDC Kupwad Police Station Sangli is present.

**Coram: R. N. Laddha, J.
Date: 5 September 2024**

P.C.

. Heard Mr. Yogesh Dabke, the learned Additional Public Prosecutor representing the applicant / State. None present for the respondent.

2. The applicant / State has preferred this application seeking cancellation of the bail granted to the accused / respondent. The learned Additional Sessions Judge, Sangli, granted bail to the accused / respondent by order dated 25 September 2020, in connection with C.R. No. 76 of 2020, registered with M.I.D.C. Kupwad Police Station, District Sangli, for the offences punishable under Sections 302, 341

and 323 read with 34 of the Indian Penal Code. The applicant / State requests cancellation of bail mainly on the ground that the learned Judge failed to consider the merits of the matter.

3. It is a settled principle in law that the Court should not undertake a detailed examination of evidence and elaborate documentation of the merits of the case at the stage of granting bail. This aspect is highlighted in *Puran Vs. Rambilas*¹.

4. It is also settled position in law that bail, once granted, should not be cancelled mechanically without careful consideration of whether new circumstances have arisen that would compromise a fair trial. The accused's freedom, granted through bail, should be preserved during the trial unless superseding factors warrant revocation. In this context, a profitable reference can be made to the decision of the Hon'ble Supreme Court in *Dolat Ram Vs. State of Haryana*² where it was observed as follows:

“Rejection of bail in a non-bailable case at the initial stage and the cancellation of bail so granted, have to be considered and dealt with on different basis. Very cogent and overwhelming circumstances are necessary for an order directing the cancellation of the bail, already granted. Generally speaking, the grounds for cancellation of bail, broadly (illustrative and not exhaustive) 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. The satisfaction of the court, on the basis of

1 (2001) 6 SCC 338

2 (1995)1 SCC 349

material placed on the record of the possibility of the accused absconding is yet another reason justifying the cancellation of bail. However, bail once granted should not be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during the trial.”

5. Upon a meticulous review of the records, it is evident that the alleged offences was committed in 2020. During the intervening period and after investigation was completed, a charge sheet was filed. The charges are framed and the trial is at the fag end. There is nothing on record to suggest that the accused / respondent interfered or attempted to interfere with the prosecution evidence or influence the witnesses. Furthermore, the records do not indicate that the accused has misused the bail concession granted to him.

6. The learned Additional Sessions Judge has correctly not gone into the merits or demerits of the matter and rightly indicated, in brief, the material on record. That apart, at this stage, when the charge sheet is filed and the fact that the trial is at the fag end, and the fact that no new circumstances warranting revocation arises, this Court is not inclined to cancel the bail granted to respondent No.1.

7. In light of the above, the present application stands rejected.

R. N. Laddha, J.