

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

Criminal Application No.131 of 2020

Samunnati Agro Solution Pvt. Ltd.
Office No.B1, First Floor,
Pinnac Commercial & Residential
Complex, Dnyaneshwar Co-operative
Housing Society, Opp. Shankar Maharaj
Math, Pune-Satara Road, Dhankawadi,
Pune-411043

Through Relationship Manager
Raviraj Shivaji Suryawanshi

Age:33 years, Occu.Service,

At-Malwadi, Post-Bhilwadi, Tal-Palus,

Dist.-Sangli

...

Applicant/
Org.Complainant.

Vs.

1. Navnath Lalaso Nalwade
Age-43 yrs, Occ.-Agriculturist/Business
R/o-Shirbhavi, Tal-Sangola,
Dist.-Solapur.
2. The State of Maharashtra
(Through Sangola Police Station)
Dist.Solapur vide CR No.985/2020)... Respondents.

Mr Sandeep Koregave for the applicant.

Mr Akhil Kupade i/by Samadhan Kashid for respondent No.1.

Mr Amit Palkar,APP for respondent/State.

API Pravin Abdagire, Hadapsar Police Station, Pune is present.

Coram : R.N.Laddha, J.

Date : 20 September 2024.

P.C. :

Heard Mr Sandeep Koregave, the learned Counsel appearing on behalf of the applicant; Mr Amit Palkar, the learned Additional Public Prosecutor, representing the respondent/State, and Mr Akhil Kupade, the learned Counsel for respondent No.1.

2. Applicant has preferred this application seeking cancellation of bail granted to the accused/respondent No.1, by the learned Additional Sessions Judge, Pandharpur, by an order dated 14 August 2020, in connection with CR No.985 of 2020, registered at Sangola Police Station, for the offences punishable under Sections 420 and 406 read with 34 of the Indian Penal Code (IPC).

3. Applicant's contention is that the learned Judge failed to delve into the substantive merits of the prosecution case at the time of granting bail. In this context, a profitable reference can be made to the decision in *Puran v. Rambilas*¹, wherein it was enunciated that at the preliminary bail stage, the Court should not undertake a detailed examination of the evidence and elaborate documentation of the merits of the case. The primary consideration lies in the *prima facie* scrutiny of the material on record. Furthermore, once granted, the bail should not be cancelled without compelling or extraordinary circumstances, such as the risk of jeopardising a fair trial, as highlighted in *Dolat Ram v. State of Haryana*², wherein the Hon'ble

1 (1995)1 SCC 349.

2 (2001)6 SCC 338

Supreme Court 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 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.”

4. Furthermore, in ***Himanshu Sharma v. State of Madhya Pradesh***³ it was held that,

‘11. Law is well settled by a catena of judgments rendered by this Court that the considerations for grant of bail and cancellation thereof are entirely different. Bail granted to an accused can only be cancelled if the Court is satisfied that after being released on bail :
(a) the accused has misused the liberty granted to

³ (2024) 4 SCC 222.

*him;
(b) flouted the conditions of bail order;
(c) that the bail was granted in ignorance of
statutory provisions restricting the powers of the
Court to grant bail;
(d) or that the bail was procured by
misrepresentation or fraud.
In the present case, none of these situations
existed.”*

5. Upon perusing records, it appears that alleged offence was committed in 2020. During the intervening period, investigation was completed, culminating in filing a charge sheet in 2021. There is nothing on record to suggest that the accused interfered or attempted to interfere with the prosecution's evidence or influence the witnesses. Furthermore, the records do not indicate that the accused has misused the bail concession granted to him. Learned Additional Sessions Judge, in accordance with legal principles, rightly refrained from entering into the merits of the case, confining her adjudication to the *prima facie* material. That apart, at this stage, the investigation concluded, charge sheet filed and absence of new compelling ground post bail, this Court does not accede to the prayer of bail revocation.

6. In light of above, the application stands rejected.

[R.N.Laddha, J.]