

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

Criminal Application No. 215 of 2023

Ayesha Aliasgar Warunkar @
Ayesha Gulab Sheikh
Age 30 years, Occ. Housewife,
R/o. Munnavar Housing Society,
Tal. Mahabaleshwar, Dist. Satara.
Vs.

...Applicant

1. Salim Liyakat Mujawar
Age 30 years, Occ. Labourer,
R/o. Babar Colony, Karanje Peth,
Tal. Satara, Dist. Satara.

2. The State of Maharashtra
At the instance of Shahupuri
Police Station.

...Respondents

Ms Sakshee P Chavan, Legal Aid Appointed Advocate for the
Applicant.
Mr M G Patil, APP for Respondent No.2 – State.

**Coram: R. N. Laddha, J.
Date: 3 October 2024**

P.C.

. Heard Ms. Sakshee Chavan, the learned Counsel for the
applicant and Mr. M. G. Patil, learned Additional Public Prosecutor,
representing the respondent No.2 /State.

2. The applicant has preferred this application seeking cancellation of bail granted to the accused / respondent No.1 by the learned Additional Sessions Judge, Satara, by an order dated 26 April 2023, in connection with CR No.43 of 2021, registered at Shahupuri Police Station, Satara for the offences punishable under Sections 376(2)(n), 343, 323, 504 and 506 of the Indian Penal Code (IPC).

3. The applicant's contention is that the learned Additional Sessions Judge has not taken into consideration the fact that respondent No.1 has threatened the applicant. However, upon perusal of the records, it appears that the informant filed a non-cognizable complaint of the alleged threatening in the year 2020 before passing the impugned bail order.

4. In *Himanshu Sharma v. State of Madhya Pradesh*¹, it was observed that 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 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. Moreover, it is a settled principle in law that during the preliminary bail stage, the Court should not engage in a detailed analysis of evidence or an exhaustive examination of the merits. Instead, focus is on a prima facie scrutiny of the material on record. Furthermore, once bail is granted, it should

1 (2024) 4 SCC 222

not be cancelled without compelling or extraordinary circumstances, such as the risk of jeopardising a fair trial, as highlighted in *Dolat Ram Vs. State of Haryana*² and *Puran Vs. Rambilas*³. In view of the above, the application stands rejected.

R. N. Laddha, J.

2 (201) 6 SCC 338

3 (1995) 1 SCC 349