

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

Criminal Application No. 148 of 2023

Megha Sharad Khapne
Age 26 years, Occ. Business,
R/at. Majgaon Shindewadi,
Taluka – Panhala, District Kolhapur. ..Applicant

Vs.

1. The State of Maharashtra
(Vide Panhala Police Station, Kolhapur)

2. Yogesh Tukaram Mane
Age 31 years, Occ. Shopkeeper,
R/at. Manewadi, Kotoli,
Tal. Panhala, Dist. Kolhapur. ..Respondents

Mr. Pradeep Yadav a/w. Mr. Saumitra Salunke, Ms. Swapnali
Chavan, for the Applicant.
Ms. Supriya Kak, APP for the Respondent – State.

Coram : R. N. Laddha, J.
Date : 18 September 2024

P.C.

. Heard Mr. Pradeep Yadav, the learned counsel appearing
on behalf of the applicant and Ms. Supriya Kak, the learned
Additional Public Prosecutor, representing the respondent / State.

2. The applicant has filed this application to revoke the bail

granted to respondent No.2. The learned Additional Sessions Judge, Kolhapur had granted bail to the accused / respondent No.2 on 22 June 2023, in connection with C.R. No.77 of 2023 registered with Kolhapur Police Station, Maharashtra, for the offences punishable under Sections 452, 376, 354(A)(1)(i), 354(A)(ii), 354(D)(i)(ii), 506 and 507 of the Indian Penal Code. It is the grievance of the applicant that the learned Judge failed to consider the merits of the matter.

3. According to settled principles, Courts should refrain from examining evidence and documenting case merits during the bail granting stage. Additionally, bail cancellation should not be done mechanically without careful consideration of new circumstances that may compromise a fair trial. The accused's freedom, granted through bail, should be preserved during the trial unless superseding factors warrant revocation, as referenced in *Puran Vs. Rambilas*¹ and *Dolat Ram Vs. State of Haryana*².

4. After reviewing the records, it is evident that the alleged offences occurred in September 2022, with the charge sheet filed in June 2023. During the intervening period, after investigation was completed, a charge sheet was filed. There is no evidence on record to suggest that the accused / respondent No.2 interfered or attempted to interfere with the prosecution evidence or

1 (2001) 6 SCC 338

2 (1995) 1 SCC 349

attempted to influence the witnesses. Furthermore, the records do not show any misuse of the bail concession by the accused. The learned Additional Sessions Judge has appropriately avoided assessing the merits or demerits of the matter and has succinctly summarised the evidence on record. Since the investigation is complete, the charge sheet has been filed, the trial has commenced, and no new circumstances have arisen to warrant revocation, this Court is not inclined to cancel the bail granted to respondent No.2.

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

R. N. LADDHA, J.