

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

Criminal Application No. 292 of 2023

XYZ

(Victim in C.R.No. 210/2023
Registered with Kurduwadi Police
Station) Solapur.
Age 35 years, Occ. Household,
District : Solapur.

...Applicant

Vs.

1. Audumbar Jagannath Maske
Age 57, Occ. Service,
R/at. Bhang Galli, Madha,
Tal. Madha, Dist. Solapur.

2. The State of Maharashtra
(At the instance of Sr. P.I. Kurduwadi
Police Station, Tal. Madha, Dist. Solapur)

...Respondents

Mr. Krishna Tarde a/w. Siddhi Patil a/w. Manisha Devkar i/b. Prashant
Hagare, for the Applicant.
Mr. Arfan Sait, APP for the Respondent – State.

Coram: R. N. Laddha, J.
Date: 3 September 2024

P.C.

. Heard Mr. Krishna Tarde, the learned counsel for the applicant
and Mr. Arfan Sait, the learned Additional Public Prosecutor,
representing the respondent / State.

2. The applicant has preferred this application seeking cancellation of the bail granted to the accused / respondent No.1. The learned Additional Sessions Judge, Barshi granted bail to the accused by order dated 4 July 2023, in connection with C.R. No.210 of 2023 registered at Kurduwadi Police Station, for the offences punishable under Sections 376 and 506 of the Indian Penal Code. The applicant requests cancellation of bail primarily on the ground that the learned Judge failed to consider the merits of the matter and possible threats from the respondent No.1 / accused.

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 well settled 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:

1(2001) 6 SCC 338

2(1995) 1 SCC 349

“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.”

5. Upon perusal of the records, it is clear that the alleged offence was occurred in March 2023. Following the completion of the investigation, a charge sheet was submitted on 31 July 2023. There is nothing on record to suggest that the accused 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. The learned Additional Sessions Judge has appropriately refrained from assessing the merits or demerits of the matter and succinctly summarised the evidence on record. Given that the investigation is complete and the charge sheet has been filed, and no new circumstances warranting revocation arises, this Court is not inclined to cancel the bail granted to respondent No.1.

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

R. N. Laddha, J.