

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

Criminal Application No.51 of 2024

Ravindra Harishchandra Pawar
Age: 56 years, Occ.: Labour,
R/O: Hotel Nisarg, Old Agra Road,
Motibaugh Naka,
Tal. Malegaon,
Dist. Nashik

... Applicant

Versus

1. The State of Maharashtra
(At the instance of Camp
Police Station, Malegaon).

2. Jagdish Harishchandra Pawar,
Age: 63 years, Occ.: Retired,
R/at: Beside Bhosale Petrol Pump,
Nampur Road, Malegaon Camp,
Tal. Malegaon, Dist. Nashik.

... Respondents

Mr Shailesh A Chavan, Legal Aid Appointed Advocate, for the applicant.

Mr Arfan Sait, APP, for the respondent/ State.

Mr Mufeez Ansari, i/b. Jayendra Khairnar, for respondent No.2.

Coram: R.N. Laddha, J.

Date: 18 November 2024.

P.C.:

Heard Mr Shailesh A Chavan, the learned Counsel appearing on behalf of the applicant; Mr Arfan Sait, the learned Additional Public Prosecutor representing the respondent/State, and Mr Mufeez Ansari, for respondent No.2.

2. The applicant has preferred this application seeking cancellation of anticipatory bail granted to accused/ respondent No.2 by the learned Additional Sessions Judge, Malegaon, Nashik, for the offences punishable under Sections 420 and 406 of the Indian Penal Code.

3. The applicant's contention is that the learned Judge has did not adequately considered the substantive merits of the prosecution's case. Furthermore, after granting impugned order of anticipatory bail, respondent No.2 threatened the applicant/informant.

4. In this context, it is a settled principle in law 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 mechanically unless there are compelling and supervening circumstances, such as the risk of jeopardising a fair trial.

5. Upon perusing the records, it appears that alleged offence was occurred in 2023 and the investigation has since been concluded. The learned APP submits that the prosecution does not require the respondent No.2's custody as the investigation is complete. The dispute primarily revolves around documentary evidence, all of which is already in the possession of the prosecution. The NC report dated 4 December 2023, lodged by the informant/applicant, alleges that respondent No.2 threatened the witness, Kailas Pawar, who has previously testified against respondent No.2 and is a witness in another pending case. However, upon perusing the NC report, it is apparent that it lacks specific details. The report does not specify when the alleged threat issued, providing no mention of the month, date, or time. Moreover, Kailas Pawar has not lodged any complaint or raised any grievance against respondent No.2. The record further do not indicate that respondent No.2 has misused the bail concession granted to him. The learned Additional Sessions Judge, adhering to established legal principles, appropriately refrained from delving into the merits of the case, confining the adjudication

to the prima facie material. At this stage, with the investigation concluded and in the absence of any new or compelling grounds, post grant of bail, this Court is not inclined to revoke the pre-arrest bail granted to the second respondent.

6. Accordingly, the application stands rejected.

[R.N. Laddha, J.]