

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

Criminal Application No.168 of 2024

Nayan Leharchand Mepani
Age 49 years, residing at Room No.401,
Shivam Apartment, Valji Laddha road,
Mulund, Mumbai-400 080. Applicant.

Vs.

1. The State of Maharashtra
through EOW Unit-1, Navi Mumbai

2. Chandrashekhar Jaiswal
Aged 43 years, r/a Building No.1,
Flat No.202, Vardhman Park, Mohane
road, Kalyan Shahd(W)
Dist.Thane-421 301. Respondents.

Mr Vikramjeet Siram a/w Harsh Dattani a/w Jagdish Chaurasia for
the applicant.

Ms Supriya Kak, APP for respondent/State.

Mr Rahil Ahmed Siddiqui for respondent No.2.

API Shashikant Pawar, EOW-1 Navi Mumbai.

Coram : R.N.Laddha, J.

Date : 25 November 2024.

P.C. :

Heard Mr Vikramjeet Siram, the learned Counsel for the
applicant; Mr Rahil Siddiqui, the learned Counsel for respondent
No.2, and Ms Supriya Kak, Additional Public Prosecutor
representing the respondent/State.

2. The applicant has preferred this application seeking cancellation of pre-arrest bail granted to the second respondent/accused by the learned Additional Sessions Judge, Thane, for the offences punishable under Sections 408, 420, 465, 467, 468 of the Indian Penal Code.

3. The applicant's contention is that the learned Judge overlooked the substantive merits of the prosecution's case while granting bail. Further the investigating officer colluding with the accused failed to conduct proper investigation post granting bail.

4. In this context, it is settled principle in law that, at the preliminary bail stage, the Court should not undertake detailed examination of the offence and elaborate documentation of the merits of the case. Primary consideration lies in the *prima facie* scrutiny of the material on record. Furthermore, once granted, bail should not be cancelled mechanically unless there are compelling and supervening circumstances such as risk of jeopardising a fair trial.

5. Upon perusing the records, it is evident that the alleged offence occurred in the year 2022. Since then, the investigation has been completed, culminating in filing of the charge sheet. There is nothing on record to indicate that the accused interfered

with the prosecution's evidence or attempted to influence the witnesses. Furthermore, the records do not suggest that the accused misused the bail concession granted to him. Learned Additional Sessions Judge appropriately limited the scope of adjudication to the prima facie material refraining from delving into the merits of the case as per legal principles. Regarding allegations that the investigating officer colluded with the accused, nothing has been presented to support this claim. That apart, at this stage, with the investigation concluded, charge sheet filed and no compelling grounds arising post bail, this Court finds no justification to revoke the bail granted to the respondent/accused. Accordingly, the application stands rejected.

[R. N. Laddha,J.]