

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

Criminal Application No.68 of 2024

Babita Manvendra Singh Chauhan
nee Babita Rajveer Shekhavat
Age-34 years, residing at A241
Akurli Road, Kalpataru Tower,
Samata Nagar, Kandivali(East),
Mumbai-400101.

.... Applicant.

Vs.

1. Manvendra Singh Chauhan
Age: 34 years, Residing at B-904,
Rose Wood Apt., Near Dhaka Nagar,
Kanakapura, Sirsi road, Khatipura,
Jaipur city, Jaipur, Rajasthan-302012.
2. The State of Maharashtra
3. The Sr. Inspector of Police,
Samata Nagar police station.

...Respondents.

Ms Neha M Patil, Advocate for the applicant.
Mr Swapnil Pednekar, APP for respondent/State.
Mr Jiten Bhardwaj for respondent No.1.

**Coram : R.N.Laddha, J.
Date : 10 October 2024.**

P.C. :

Heard Ms Neha M Patil, the learned Counsel
appearing on behalf of the applicant; Mr Swapnil S
Pednekar, the learned Additional Public Prosecutor,

representing the respondent/State, and Mr Jiten Bhardwaj, the learned Counsel for respondent No.1.

2. Applicant has preferred this application seeking cancellation of bail granted to the accused/respondent No.1, by the learned Additional Sessions Judge, Dindoshi, Mumbai, by an order dated 18 January 2024, in connection with CR No.1059 of 2022, registered with Samata Nagar Police Station, for the offences punishable under Sections 498-A, 406, 506, 377 read with 34 of the Indian Penal Code (IPC).

3. The applicant contends that the learned Judge did not examine the substantive merits of the prosecution's case when granting pre-arrest bail. Additionally, the applicant asserts that respondent No.1 has filed a divorce petition containing baseless allegations against her. The learned Counsel further submits that despite requests from the applicant, the learned Judge did not refer the case for mediation. The learned Counsel also requests that respondent No.1 be directed to withdraw the allegations made in the divorce petition.

4. In ***Puran v. Rambilas***¹, it was enunciated 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 without compelling or extraordinary circumstances, such as the risk of jeopardising a fair trial, as highlighted in ***Dolat Ram v. State of Haryana***², wherein the Hon'ble Supreme Court observed as follows:

“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

1 (1995)1 SCC 349.

2 (2001)6 SCC 338

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. Furthermore, in ***Himanshu Sharma v. State of Madhya Pradesh***³ it was held that,

‘11. Law is well settled by a catena of judgments rendered by this Court that the considerations for grant of bail and cancellation thereof are entirely different. 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.*

In the present case, none of these situations existed.”

6. Upon perusing records, it appears that alleged offence

³ (2024) 4 SCC 222.

was registered in 2022. During the intervening period, investigation was completed, and the charge sheet is ready to be filed. There is nothing on record to suggest that the accused interfered with the prosecution's evidence or sought to influence the witnesses. Furthermore, the records do not indicate that the accused has misused the bail concession that was granted to him. The learned Additional Sessions Judge, in accordance with legal principles, rightly refrained from addressing the merits of the case, limiting her examination to the *prima facie* material available. In this application seeking the cancellation of bail, the Court cannot issue a directive for withdrawal of allegations made in the divorce petition filed by respondent No.2. Furthermore, it has already been observed in para 6 of the learned Sessions Judge's order that the matter was referred to mediation when addressing the anticipatory bail application filed by the applicant's in-laws. However, the mediation efforts were unsuccessful, and no resolution was reached. In addition to the above, it is evident to note that the investigation has been concluded, and the charge sheet is ready to be filed. At this stage, there are no new or compelling grounds presented that would justify the

revocation of bail nor any post-bail development that could indicate a misuse of the liberty granted or any interference with the legal process, and there appears no reason to disturb the order granting bail. As a result, the application stands rejected.

[R. N. Laddha,J.]