

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

Criminal Application No.86 of 2024

Nisha Devashish Ghosh
Aged about 66 years, Adult,
Indian inhabitant, Residing at
B/301 Trimurti Apartment,
Land mark Manvelpada Talav
Thane, Virar 401 303,
Dist. Palghar

... Applicant

Versus

1. Farida Jamal Ansari

Aged about 73 years, Indian Inhabitant
Residing at Flat No.12, 4th Floor,
Gulam Hussain Bldg., VA Patel Marg,
Grant Road (E), Mumbai – 400 007

2. Mansoor Jamal Ansari

Age: 33 years,
Residing at Flat No.12, 4th Floor,
Gulam Hussain Bldg., VA Patel Marg,
Grant Road (E), Mumbai – 400 007

3. The State of Maharashtra

at the instance of
Senior Inspector of Police,
DB Marg Police Station, Mumbai

... Respondents

With

Criminal Application No.87 of 2024

Nisha Devashish Ghosh

Aged about 66 years, Adult,
Indian inhabitant, Residing at
B/301 Trimurti Apartment,
Land mark Manvelpada Talav Thane,
Virar 401 303, Dist. Palghar

... Applicant

Versus

1. Shahzad Rabbani Shaikh

Aged about 47 years, Indian Inhabitant
Residing at Room No.5, 1st Floor,
Zora Manzil Annex 20-3-B, SVP Road,
Dongri, Mumbai – 400 009

2. Mohammed Nabi Qureshi

Aged about 47 years, Indian inhabitant,
Residing at Flat No.34, 3rd Floor,
153B Transval Terrace, Grant Road (E),
Mumbai – 400 007

3. Aveshahmed Attulla Khan

Aged about 47 years, Indian inhabitant,
Residing at Ashiana Guest House,
Isharat Chambers, MS Ali Road,
Mumbai – 400 007

4. The State of Maharashtra

at the instance of
Senior Inspector of Police,
DB Marg Police Station, Mumbai

... Respondents

Mr Sachin Jahangir Wadia, present on behalf of the applicant.

Mr Shailendra Agharkar, for respondents/ accused.

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

API Vikas Raut, VP Road Police Station, is present.

Coram: R.N. Laddha, J.

Date: 18 November 2024.

P.C.:

Heard Mr Sachin Jahangir Wadia present on behalf of the applicant; Mr Shailendra Agharkar, for respondents/ accused; and Mr Arfan Sait, the learned Additional Public Prosecutor representing the respondent/ State.

2. The applicant has preferred these applications seeking cancellation of anticipatory bail granted to respondents/ accused by the learned Additional Sessions Judge, Mumbai, for offences punishable under Sections 420, 468, 471 read with 34 of the Indian Penal Code.

3. The applicant's contention is that the learned Judge overlooked the substantive merits of the prosecution's case when granting anticipatory bail. Further, the investigating officer colluding with the accused, failed to conduct a proper investigation. Additionally, the applicant's criminal antecedents were not presented before the Sessions Court during the anticipatory bail proceedings.

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 is evident that the alleged offence occurred in 2023. Since then, the investigation has been completed, culminating in the filing of a 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 them. The 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 the allegation that the investigating officer colluded with the accused, nothing has been presented to support this claim. While accused's criminal antecedents are noted, they alone cannot justify restricting the liberty granted to them. That apart, at this stage, with the investigation concluded, the charge sheet filed, and no compelling grounds arising post bail, this

Court finds no justification to revoke the pre-arrest bail granted to the respondents/ accused.

6. Accordingly, the applications stand rejected.

(R.N. Laddha, J.)