

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

Criminal Application No. 116 of 2024

Amit Shah

Age 48 years, Occ. Business,
Inhabitant of DE 3130, Bharat
Diamond Bourse, Bandra East,
Mumbai – 400 058.

... Applicant

versus

1. Yakin Mahendrabhai Parikh
Age 53 years, Indian Inhabitant,
R/o. C-803, Padmavati Complex,
Link Road, Dahanukar Wadi,
Mumbai – 400 067.

2. The State of Maharashtra
Through Police Station Officer,
Police Station, Bandra Kurla Complex.

... Respondents

Mr Sandeep J Pawar i/b Dujendrakumar H Sharma, for the
applicant.

Mr M G Patil, APP, for the respondent/ State.

PSI Sujata Yadav, BKC Police Station, Mumbai, is present.

Coram: R.N. Laddha, J.

Date: 19 December 2024

P.C.:

. Heard Mr Sandeep Pawar, the learned counsel appearing
on behalf of the applicant and Mr M G Patil, the learned

Additional Public Prosecutor representing the respondents / State.

2. The applicant has preferred this application seeking revocation of anticipatory bail granted to respondent No.1/ accused by the learned Additional Sessions Judge, Mumbai, in connection with C.R. No.133 of 2023, registered at BKC Police Station, Mumbai, for offences punishable under Sections 406, 408, 409, 420, 465 and 467 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 while granting anticipatory bail to the respondent No.1 / accused.

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 March 2023. Since then, the investigation has been concluded, culminating in the filing of a charge sheet. There is nothing on record to indicate that the accused / respondent No.1 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. 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. That apart, at this stage, with the investigation concluded, the charge sheet filed and no compelling or supervening grounds arising post bail, this Court finds no justification to revoke the anticipatory bail granted to respondent No.1 / accused.

6. Accordingly, the application stands rejected.

(R.N. Laddha, J.)