

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

**Interim Application No. 3521 of 2024
in
Anticipatory Bail Application No. 2012 of 2024**

Sandeep Pandharinath Mhatre	...Applicant
Vs.	
Kishor Jyotiba Kokane and Anr.	...Respondents

Mr. R. R. Tripathi, for the Applicant.
Mr. Arfan Sait, APP for the Respondent No.1 – State.
Mr. Sandeep Ketkar a/w. Mr. Akshay Naidu, for the Respondent No.2.
PSI Rahul Waghmare, Wadala T. T. Police Station, present.

**Coram: R. N. Laddha, J.
Date: 1 October 2024**

P.C.

. Heard Mr. R. R. Tripathi, the learned Counsel for the applicant, Mr. Arfan Sait, learned Additional Public Prosecutor, representing the respondent No.1 /State, and Mr. Sandeep Ketkar, the learned Counsel for respondent No.2.

2. The applicant has preferred this application seeking cancellation of bail granted to respondent No.1, by this Court vide order dated 22 July 2024, in connection with CR No.492 of 2022, registered at Wadala T.T. Police Station, Mumbai for the offences punishable under Sections 406 and 420 read with 34 of the Indian Penal Code (IPC).

3. The applicant's contention is that respondent No.1 has

suppressed the fact that he received an amount of Rs.2 Lakhs from the co-accused and is the beneficiary of the transaction. However, upon perusal of the records, it appears that respondent No.1 received Rs.2 Lakhs from the co-accused to whom he refunded Rs.4 Lakhs. *Prima facie*, it appears that he is not direct beneficiary of the alleged transaction.

4. Upon perusal of the order, it is nowhere reflected that the order granting pre-arrest bail was passed on misrepresentation by the respondent No.1. Moreover, it is settled principle in law that once bail is granted, it should not be cancelled without compelling or extraordinary circumstances, such as the risk of jeopardising a fair trial. Moreover, in *Himanshu Sharma v. State of Madhya Pradesh*¹ it was observed that, 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. Furthermore, it is settled principle in law that at the preliminary bail stage, the Court should not engage in a detailed analysis of evidence and elaborate documentation of the merits of the case. In view of that, the application stands rejected.

R. N. Laddha, J.

1 (2024) 4 SCC 222