



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

911 APPLICATION FOR CANCELLATION OF BAIL NO. 65 OF 2024

THE STATE OF MAHARASHTRA
VERSUS
DIPALI RAMDAS DHAMASE @ DIPALI MARUTI DHAMASE

...
APP for Applicant / State : Mr. S. B. Narwade.

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CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 12th September, 2025.

P.C.:

1 Heard the learned APP for the applicant / State.

2 Though the sole respondent is duly served, none appears for her.

3 This is an application for cancellation of bail granted to the respondent vide order dated 2nd January, 2024, passed by the learned District Judge-3 and Additional Sessions Judge, Sangamner, District Ahmednagar, in Criminal Bail Application No.389 of 2023, for the offences punishable under Section 302 read with 34 of the Indian Penal Code, 1860 (for short "the IPC").

4 The learned APP for the applicant / State pointed out the report and submitted that the respondent is the main accused, who committed the murder of Maruti. She called him by making a phone

call to him. There is ample evidence against her to show her involvement in the crime. However, all these aspects were not properly considered by the Trial Court. It is lastly prayed to allow the application by cancelling the order granting bail to the respondent.

5 The learned APP relied upon the judgment in the case of ***Puran Vs. Rambilas and another, (2001) 6 Supreme Court Cases 338***, in which the Honourable Supreme Court in paragraph Nos.10, 11 and 13 held as under:-

“10. It has been held that generally speaking the grounds for cancellation of bail broadly 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. It is, however, to be noted that this Court has clarified that these instances are merely illustrative and not exhaustive. One such ground for cancellation of bail would be where ignoring material and evidence on record a perverse order granting bail is passed in a heinous crime of this nature and that too without giving any reasons. Such an order would be against principles of law. Interest of justice would also require that such a perverse order be set aside and bail be cancelled. It must be remembered that such offences are on the rise and have a very serious impact on the society. Therefore, an arbitrary and wrong exercise of discretion by the trial court has to be corrected.

11. Further, it is to be kept in mind that the concept of

setting aside the unjustified illegal or perverse order is totally different from the concept of cancelling the bail on the ground that the accused has misconducted himself or because of some new facts requiring such cancellation. This position is made clear by this Court in *Gurcharan Singh v. State (Delhi Admn.)*, (1978) 1 SCC 118. In that case the Court observed as under: (SCC p. 124, para 16)

“If, however, a Court of Session had admitted an accused person to bail, the State has two options. It may move the Sessions Judge if certain new circumstances have arisen which were not earlier known to the State and necessarily, therefore, to that court. The State may as well approach the High Court being the superior court under Section 439(2) to commit the accused to custody. When, however, the State is aggrieved by the order of the Sessions Judge granting bail and there are no new circumstances that have cropped up except those already existing, it is futile for the State to move the Sessions Judge again and it is competent in law to move the High Court for cancellation of the bail. This position follows from the subordinate position of the Court of Session vis-a-vis the High Court.”

13. Our view is supported by the principles laid down in the case of *Gurcharan Singh v. State (Delhi Admn.)*, (1978) 1 SCC 118. In this case it has been held by this Court that under Section 439(2), the approach should be whether the order granting bail was vitiated by any serious infirmity for which it was right and proper for the High Court, in the interest of justice, to interfere.”

6 Perused the impugned order, the report and all the relevant documents.

7 During the argument, the learned APP for the State fairly conceded that other two accused are released on bail by this Court vide order dated 29th February, 2024 passed in Bail Application No.200 of 2024. On perusal of the impugned order, it appears that the Trial Court has given sufficient reasons in paragraph No.7. Meticulous consideration of evidence at the time of deciding the application for bail is not expected. It is not established from the record and the grounds raised in the application that there is serious legal infirmity in the impugned order. Further, there is no attempt on the part of the respondent to interfere with the due course of administration of justice and abuse of the concession granted to her. There is no such material that the Trial Court while granting bail ignored the material on record and perversely granted bail by ignoring it. Sufficient reasons are given and therefore, no interference is warranted for cancellation of bail. Therefore, the law laid down in the case of ***Puran Vs. Rambilas and another*** (supra) is not helpful to the State. The application deserves to be rejected. The application is rejected.

[SANJAY A. DESHMUKH, J.]