

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

CRIMINAL APPLICATION NO. 208 OF 2024

Suresh Shivram Kashid.

... Applicant.

Vs.

The State of Maharashtra & Anr.

... Respondents.

Mr. Harshvardhan B. Suryavanshi, Advocate for the Applicant.

Mrs. Veera Shinde, APP for Respondent/State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 26 JUNE, 2025.

P.C. :

1. Heard Mr. Harshvardhan Suryavanshi, learned Advocate for the Applicant and Mrs. Veera Shinde, learned APP for State.

2. By the present Application, the Applicant is seeking cancellation of bail granted to the Respondent No. 2 by order dated 12th November, 2022 passed by the Judicial Magistrate First Class, Kolhapur in Bail Application No. 1016 of 2022.

3. Order dated 12th November, 2022 passed by the learned Judicial Magistrate First Class, Kolhapur in the Bail Application No. 1016 of 2022 reads as follows :

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Perused application and say filed thereon. Accused is ready to abide by any condition if imposed. Hence the order.

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- 1) Application is allowed.
- 2) Accused is released on P & R Bond of Rs. 15,000/-.
- 3) He shall cooperate the investigation and shall not tamper the prosecution evidence.

4. Mr. Harshvardhan B. Suryavanshi, learned Advocate for the Applicant states that the order which is transcribed hereinabove which at page 422, is the only order which has been passed by the learned Judicial Magistrate First Class while releasing the Respondent No. 2 on bail.

5. The Hon'ble Supreme Court in the case of Mahipal v/s. Rajesh Kumar @ Polia¹ in paragraph-22 and 23 has observed as under :

“22 There is another reason why the judgment of the learned Single Judge has fallen into error. It is a sound exercise of judicial discipline for an order granting or rejecting bail to record the reasons which have weighed with the court for the exercise of its discretionary power. In the present case, the assessment by the High Court is essentially contained in a single paragraph which reads:

—4. Considering the contentions put-forth by the counsel for the petitioner and taking into account the facts and circumstances of the case and without expressing opinion on the merits of the case, this court deems it just and proper to enlarge the petitioner on bail.

23 Merely recording —having perused the record and —on the facts and circumstances of the case does not sub-serve the purpose of a reasoned judicial order. It is a fundamental premise of open justice, to which our judicial system is committed, that factors

¹ (2020) 2 SCC 118

which have weighed in the mind of the judge in the rejection or the grant of bail are recorded in the order passed. Open justice is premised on the notion that justice should not only be done, but should manifestly and undoubtedly be seen to be done. The duty of judges to give reasoned decisions lies at the heart of this commitment. Questions of the grant of bail concern both liberty of individuals undergoing criminal prosecution as well as the interests of the criminal justice system in ensuring that those who commit crimes are not afforded the opportunity to obstruct justice. Judges are duty bound to explain the basis on which they have arrived at a conclusion.”

6. Roznama indicates that notice is issued to Respondent No. 2 on 13th August, 2024. Endorsement of the roznama dated 30th August, 2024 indicates that Applicant having not supplied spare copies. There is no clarity on the service of the Respondent No. 2.

7. Be that as it may, issue fresh notice to the Respondent No. 2, returnable on 14th July, 2025.

8. Learned Advocate for the Applicant assures the Court that he would take all steps to ensure that the Respondent No. 2 is served in the present Application on or before next date of hearing.

(ASHWIN D. BHOBE, J.)