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

Criminal Application No.495 of 2024

Shubhangi Kalpesh Parmar
Age: 34 years, Occ: Service,
Residing at: B Wing, 701,
Ravell Orchid,
Dhanori Pune: 411028

... Applicant

versus

1. The State of Maharashtra
Through Vimantal Police Station,
Pune in CR No.601/2023

2. Harshada Ruturaj Pradhan,
Age: 41 years, Occ: __,
R/o: Flat No.201, A Wing,
Anand Sagar Enclave, Wadeghar,
Kalyan (West) 421 301

... Respondents

Ms Trushna Shah, for the applicant.

Mr Swapnil S Pednekar, APP, for respondent No.1/ State.

Coram: R.N. Laddha, J.

Date: 1 July 2025.

P.C.:

. Heard Ms Trushna Shah, the learned Counsel appearing on behalf of the applicant; and Mr Swapnil Pednekar, the learned Additional Public Prosecutor, representing the respondent/State.

2. The applicant has prayed for seeking cancellation of anticipatory bail granted to the accused/respondent No.2, by the learned Additional Sessions Judge, Pune, by an order dated 7 August 2024, in connection with CR No.265 of 2024, registered at Vimantal Police Station, Pune, for the offences punishable under Section 504 of the Indian Penal Code (IPC) and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. The applicant's contention is that the learned Judge failed to delve into the substantive merits of the prosecution case at the time of granting bail. In this context, a profitable reference can be made to the decision in *Puran v. Rambilas*¹, wherein it was enunciated 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 without compelling or extraordinary circumstances, such as the risk of jeopardising a fair trial, as highlighted in *Dolat Ram v. State of Haryana*², wherein the Hon'ble Supreme Court observed as follows:

¹ (1995) 1 SCC 349

² (2001) 6 SCC 338

“Rejection of bail in a non-bailable case at the initial stage and the cancellation of bail so granted, have to be considered and dealt with on different basis. Very cogent and overwhelming circumstances are necessary for an order directing the cancellation of the bail, already granted. Generally speaking, the grounds for cancellation of bail, broadly (illustrative and not exhaustive) 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. The satisfaction of the court, on the basis of material placed on the record of the possibility of the accused absconding is yet another reason justifying the cancellation of bail. However, bail once granted should not be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during the trial.”

4. Furthermore, in *Himanshu Sharma v. State of Madhya Pradesh*³ it was held that,

‘11. Law is well settled by a catena of judgments rendered by this Court that the considerations for grant of bail and cancellation thereof are entirely different. 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. In the present case, none of these situations existed.”*

³ (2024) 4 SCC 222.

5. Upon perusing records, it appears that the alleged offence was committed in August 2021 and the FIR was lodged in June 2024. During the intervening period, investigation was completed, culminating in filing a charge sheet in 2024. There is nothing on record to suggest that respondent No.2/accused interfered or attempted to interfere with the prosecution's evidence or influence the witnesses. Furthermore, the records do not indicate that the accused has misused the bail concession granted to him. That apart, at this stage, the investigation concluded, charge sheet filed, and absence of new compelling ground post bail, this Court does not accede to the prayer of bail revocation.

6. In light of above, the application stands rejected.

(R.N. Laddha, J.)