

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

Criminal Application No. 25 of 2025

Mukund Pandurang Kurhade
Age 86 years, Occ : Business,
R/at- 453, Mahatma Society,
Kothrud, Pune.

... Applicant

versus

1. The State of Maharashtra
(Through the Vishrambaug Police Station,
Pune)

2. Shekhar Madanrao Nikam
Age 42 years, Occ.: Business,
R/at.: B-707, Shriram Paradise
Bakori Road, Gat No.860/1,
Near JSPM College, Wagholi,
Tal.: Haveli, Dist.: Pune.

3. Sameer Kailas Kadam
Age 30 years, Occ.: Business,
R/at: 130/1, Sky Heights,
Flat No.204, Mhasoba Vasti,
Manjari Budruk, Pune.

4. Mahesh Shantaram Kolate
Age 37 years, Occ.: Business,
R/at.: S.No.37, Mundhwa,
Dist. Pune.

...Respondents

Mr Sumant Deshpande, for the Applicant.

Mr S V Walve, APP, for Respondent No.1 / State.

Mr Vivek Rane i/b Mr Prashant Raul, for Respondents No.2 to 4.

API Santosh More, Vishrambaug Police Station, Pune City, is present.

Coram: R.N. Laddha, J.

Date: 8 August 2025

P.C.:

. Heard Mr Sumant Deshpande, the learned Counsel appearing on behalf of the applicant, and Mr S V Walve, the learned Additional Public Prosecutor representing respondent No.1/ State, and Mr Vivek Rane, the learned Counsel appearing on behalf of respondents No.2 to 4.

2. The applicant has preferred this application seeking cancellation of pre-arrest bail granted to the accused / respondents No.2 to 4 by the learned Additional Sessions Judge, Pune, by an order dated 18 December 2024, in connection with C.R. No.297 of 2024 registered at Vishrambaug Police Station, Pune, for the offences punishable under Section 420 and 406 read with 34 of the Indian Penal Code.

3. In *Puran v. Rambilas*¹, it was enunciated that at the

¹(1995) 1 SCC 349

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.

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

5. Upon perusing the records, it appears that the alleged offence was committed in 2024. During the intervening

²(2001) 6 SCC 338

³(2024) 4 SCC 222

period, the investigation was concluded, culminating in filing of the charge sheet. There is nothing on record to suggest that the accused / respondents No.2 to 4 interfered or attempted to interfere with the prosecution evidence or influence the witnesses. The records do not indicate that the accused / respondents No.2 to 4 have misused the bail concession granted to them. The learned Additional Sessions Judge, in accordance with the legal principles, rightly refrained from entering into the merits of the case, confining his adjudication to the prima facie material. That apart, at this stage, investigation concluded, charge sheet filed, and in the absence of new compelling ground post pre-arrest bail, this Court does not accede to the prayer of bail revocation.

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

(R.N. Laddha, J.)