

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

Criminal Application No.28 of 2025

Dr Shweta D Yadav

Age : 30 yrs : Occ:Professional

R/o.A-301, 3rd floor, Rashmi
Heights, near Vinayak Medical,
near Fire Brigade, Nallasopara(E),
Taluka Vasai, Dist.Palghar

... Applicant.

Vs.

1. Dilip Faujdar Yadav

Age: 35 yrs, Occ: Professional,
R/o-D-504, Shree Shakun Greens
Pvt Ltd, HDIL Layout,
Besides Vinay Unique bldg,
Virar (W), Tal-Vasai,
Dist.Palghar

2. The State of Maharashtra

Manickpur police station,
through PP High Court,
Criminal Dept.

... Respondents.

Mr PB Shah i/by Ms Gunjan P Shah for the applicant in
both the applications.

Mr Ashley Cusher for respondent No.1 in both the
applications.

Mr SS Pednekar, APP for the respondent / State.

PSI Kiran Valvi, Manikpur police station ,Vasai(W).

Coram : R.N.Laddha, J.

Date : 9 July 2025.

P.C. :

Heard Mr PB Shah, learned Counsel appearing on behalf of the applicant and Mr SS Pednekar representing respondent/ State.

2. The applicant has preferred this application seeking cancellation of anticipatory bail granted to the accused/ respondent No.1, by the learned Additional Sessions Judge, Vasai, by an order dated 8 November 2024, in connection with CR No.209 of 2024, registered at Manickpur Police Station for the offences punishable under Sections 498-A, 406, 323, 504, 506, 500 , 427 read with 34 of the Indian Penal Code.

3. The applicant's contention is that the learned Judge failed to delve into substantive merits of the prosecution's case. Relying on the decision in *Dr Naresh Kumar Mangla Vs Anita Agarwal & Ors. (2021)15 SCC 777*, the learned Counsel submits that even though the investigation has been concluded and a charge sheet has been filed, it remains

legally permissible for a Court to entertain an application seeking cancellation of anticipatory bail.

4. It is important to draw a clear distinction between the cancellation of bail already granted and the initial refusal of bail. Bail, once granted, is a measure to protect an individual's fundamental right to personal liberty, and its cancellation should not be ordered in a routine or mechanical manner. Revocation of bail must be supported by compelling and cogent reasons, such as the accused interfering with the due course of justice, attempting to abscond, intimidating or influencing witnesses, or otherwise misusing the liberty granted under the bail. The Court must be satisfied, based on credible material, that the accused poses a real and imminent threat to the integrity of the judicial process or is likely to flee from justice.

5. In the present case, it is pertinent to note that apart from the charge under Section 406 of the Indian Penal Code, all other offences alleged against the accused respondent are bailable in nature. There is no material on record to indicate that the accused respondent has attempted to tamper with evidence, influence witnesses, or

otherwise obstruct the investigation or judicial proceedings. Furthermore, there is no allegation or indication that the accused respondent has misused the concession of anticipatory bail granted earlier. The learned Additional Sessions Judge, while granting anticipatory bail, has extensively examined the relevant facts and legal considerations. Moreover, the investigation has concluded and the charge sheet has already been submitted to the Court. In the absence of any new, compelling grounds warranting cancellation of bail, this Court finds no justification to interfere with the order granting anticipatory bail.

6. Accordingly, and in view of the foregoing observations, the application for cancellation of anticipatory bail stands rejected.

[R. N. Laddha, J.]