

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

Criminal Application No. 191 of 2025

Subramanian Arunmugham Konar
Age 44 years, Occ. Private Service,
R/o. Radiant Captive India Pvt Ltd.
Office No.1, 1st Floor, Lalwani Plaza,
Above Union Bank, Sakore Nagar,
Viman Nagar, Pune – 411 014.

... Applicant

versus

1. The State of Maharashtra
Through the Police Inspector,
Vimantal (Airport) Police Station, Pune.

2. Shravan Ajit Korde
Age 32 years, Occ.: Service,
R/o. C-Wing, 805, Madhukosh Appt.,
Survey No.4/2, 16 Dhayari Pune-411 041. ... Respondents

Mr Narayan G Rokade a/w Mr Siddharth Ghodke a/w Mr
Ramchandra Wagh, for the Applicant.

Mr Prashant Jadhav, APP, for Respondent No.1 / State.

API Sapana Deotale, Vimantal Police Station, Pune, is present.

Coram: R.N. Laddha, J.

Date: 6 August 2025

P.C.:

. Heard Mr Narayan Rokade, the learned Counsel
appearing on behalf of the applicant, and Mr Prashant Jadhav,

the learned Additional Public Prosecutor representing respondent No.1/ State.

2. The applicant has preferred this application seeking cancellation of pre-arrest bail granted to the accused / respondent No.2 by the learned Additional Sessions Judge, Pune, by an order dated 28 February 2025, in connection with C.R. No.10 of 2025 registered at Vimantal Police Station, Pune, for the offences punishable under Section 420, 409, 407, 406, 405 and 383 of the Indian Penal Code.

3. The applicant's contention is that the learned Judge did not adequately examine the substantive merits of the prosecution case and failed to provide the informant / applicant with a fair opportunity to be heard.

4. In *Puran v. Rambilas*¹, 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

¹(1995) 1 SCC 349

***Dolat Ram v. State of Haryana*².**

5. 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.

6. Upon perusing the records, it appears that the alleged offence is reported to have occurred between 1 January 2020 and 14 August 2023 whereas, the FIR has been lodged in the year 2025. After this, the investigation has been completed, and the prosecution is in the process of filing the charge sheet. There is nothing on record to suggest that the accused / respondent No.2 interfered or attempted to interfere with the prosecution evidence or influence the witnesses. The records

²(2001) 6 SCC 338

³(2024) 4 SCC 222

do not indicate that the accused / respondent No.2 has misused the bail concession granted to him. 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, and in the absence of new compelling ground post pre-arrest bail, this Court does not accede to the prayer of bail revocation.

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

(R.N. Laddha, J.)