

**Criminal Application No. 215 of 2025**

... Applicant

# 1. The State of Maharashtra

(At the instance of Mumbra Police Station)

## ...Respondents

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WAPI Hishu Chavan, Mumbra Police Station, Thane, is present.

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Date: 24 June 2025

Heard Mr Sharad Goswami, the learned Counsel appearing on behalf of the applicant, and Mr Arfan Sait, the learned Additional Public Prosecutor representing respondent No.1/ State.

2. The applicant has preferred this application seeking

cancellation of the bail granted to the accused / respondent No.2. The learned Additional Sessions Judge, Thane, granted anticipatory bail to the accused by order dated 18 January 2025, in connection with C.R. No.2085 of 2024 registered at Mumbra Police Station, Thane, for the offences punishable under Section 69 of the Bharatiya Nyaya Sanhita, 2023. The applicant requests cancellation of bail primarily on the ground that the learned Judge failed to consider the merits of the matter and possible threats from the respondent No.2/ accused.

3. It is a settled principle in law that the Court should not undertake a detailed examination of evidence and elaborate documentation of the merits of the case at the stage of granting bail. This aspect is highlighted in *Puran Vs. Rambilas, (2001) 6 SCC 338*.

4. It is also well settled that bail, once granted, should not be cancelled mechanically without careful consideration of whether new circumstances have arisen that would compromise a fair trial. The accused's freedom, granted through bail, should be preserved during the trial unless superseding factors warrant revocation. In this context, a profitable reference can be made to the decision of the Hon'ble Supreme Court in *Dolat Ram Vs. State of Haryana, (1995) 1 SCC 349*, where it was observed

as follows:

*“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.”*

5. Upon perusal of the records, it is clear that the alleged offence occurred between January 2018 and October 2024. Respondent No.2 was granted pre-arrest bail on 18 January 2025. Following the completion of the investigation, a charge sheet was submitted on 25 March 2025. There is nothing on

record to suggest that the accused interfered or attempted to interfere with the prosecution evidence or influence the witnesses. Furthermore, the records do not indicate that the accused has misused the bail concession granted to him. The learned Additional Sessions Judge has appropriately refrained from assessing the merits or demerits of the matter and succinctly summarised the evidence on record. Given that the investigation is complete and the charge sheet has been filed, and no new circumstances warranting revocation arises, this Court is not inclined to cancel the anticipatory bail granted to respondent No.2.

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

**(R.N. Laddha, J.)**