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

Criminal Application No.264 of 2025

Suman Vitthal Pandit

Aged: 80, Occupation: Retired,
Residing at: 304, B-20, New Dindoshi
Ekadanta CHSL, Mahada Complex,
Goregaon East, Mumbai - 400065

... Applicant

versus

1. The State of Maharashtra

At the instance of Nirmal Nagar
Police Station, Mumbai.

2. Waman Ramchandra Madaye

Proprietor Rajhansa Builders
Age: 63 years, Occupation: Business
Address: Flat No.401, "C" Wing,
Saikrupa CHS Ltd.

... Respondents

Mr Aditya Sharma, a/w. Mr Aman Shahi, Mr Mann Mishra, i/b.
Sudha Dwivedi, for the applicant.

Mr Anand Shalgaonkar, APP, for respondent No.1/ State.

API Paravati Ghadage, Nirmal Nagar Police Station, is present.

Coram: R.N. Laddha, J.

Date: 9 July 2025.

P.C.:

. Heard Mr Aditya Sharma, the learned Counsel appearing

on behalf of the applicant; and Mr Anand Shalgaonkar, the learned Additional Public Prosecutor, representing respondent No.1/State.

2. The applicant has preferred this application for cancellation of anticipatory bail granted to the accused/respondent No.2 by the learned Additional Sessions Judge, Mumbai, in connection with CR No.212 of 2025, registered at Nirmal Nagar Police Station, Mumbai, for the offences punishable under Sections 406 and 420 read with 34 of the Indian Penal Code.

3. The applicant's contention is that the learned Judge did not adequately consider the substantive merits of the prosecution's case while granting pre-arrest bail.

4. While distinguishing between the cancellation of previously granted bail and initial denial of bail, it is essential to recognise that bail, once granted, to safeguard an individual's liberty, should not be revoked lightly. There must be compelling reason for such action. The cancellation of bail warrants if there is interference with the due course of justice or evasion or attempt to evade the due course of justice or abuse of the concession granted to the accused. Additionally, based on evidence, the Court must be satisfied that there is a possibility

of the accused absconding, which is another valid reason for revoking bail.

5. The learned APP submits that the investigation in the present case has been concluded, and the charge sheet is in the process of being filed shortly.

6. Upon perusing the records, it appears that the transaction in question occurred in the year 2012. However, the FIR concerning this matter was not lodged until June 2025, indicating a significant delay of over a decade between the occurrence of the transaction and the initiation of legal proceedings. Furthermore, there is nothing on record to suggest that the accused has, at any stage, interfered with or attempted to tamper with the prosecution's evidence, nor is there any allegation or evidence to indicate that the accused has tried to influence or intimidate any of the witnesses. The records do not suggest that the accused has misused the bail concession granted to him. The learned Additional Sessions Judge has duly considered all relevant aspects of the case while granting anticipatory bail to the applicant. In doing so, the learned Judge correctly limited the scope of adjudication to the existence of a *prima facie* case and consciously refrained from delving into the merits of the matter, which is appropriate at

the stage of bail consideration. That apart, the investigation in the present case has been concluded, and the charge sheet is in the process of being filed. This development indicates that custodial interrogation of the applicant is not necessary. Additionally, in the absence of any new or compelling circumstances that have arisen subsequent to the grant of anticipatory bail, this Court finds no justification to revoke the said relief at this stage. The learned APP has also brought to the Court's attention that respondent No.2 has duly appeared before the investigating officer during the course of the investigation and has extended his cooperation throughout. This further reinforces the view that continued protection under anticipatory bail does not impede the course of justice.

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

(R.N. Laddha, J.)