

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

Criminal Application No.266 of 2025

Shubhangi Nikhil Kamble

Age: 33 years, Occ: Housewife,
Indian Inhabitant of Mumbai,
residing at Flat No.05, Krishna
Nagar, 90 Fit Road, Sidheshwar
CHS Ltd., Sakinaka, Mumbai

... Applicant/

First Informant/

(Wife of the Respondent No.3)

versus

1. The State of Maharashtra
Through Public Prosecutor,
Cr.A.S. High Court, Bombay.
2. The Senior Inspector Police,
Through Sakinaka Police Station
Mumbai, Maharashtra
3. Nikhil Rajajn Kamble,
Age: 35 year, Occ: Service,
Husband of the Applicant,
Indian Inhabitant of Mumbai,
4. Rajan Vishwanath Kamble
Age:54 year, Occ: Job,
Father-in-law of the Applicant,
Indian Inhabitant of Mumbai
5. Nutan Rajan Kamble,
Age:45 year, Occ: Housewife,
Mother-in-law of the Applicant,
Indian Inhabitant of Mumbai,

... Respondents

6. Nitesh Rajan Kamble,
Age: 42 year, Occ: Service,
Brother-in-law of the Applicant,
Indian Inhabitant of Mumbai,
All Residing at Room No.2102/
B-8, Jaiphal Wadi, Tardeo Road,
Behind Tardeo Police Station,
Tulsi Wadi, Tardeo, Mumbai – 34 ... Respondents
No.3, 4, 5 & 6
(Ori. Accused)

Ms Ratna Jaiswal, for the applicant.

Mr Pankaj Deokar, APP, for the respondent/ State.

PSI-Pairavi, Sopan Bhagwat Wadkar, Sakinaka Police Station, is present.

Coram: R.N. Laddha, J.

Date: 10 July 2025.

P.C.:

. Heard Ms Ratna Jaiswal, the learned Counsel appearing on behalf of the applicant; and Mr Pankaj Deokar, the learned Additional Public Prosecutor, representing the respondent/ State.

2. The applicant has preferred this application for cancellation of anticipatory bail granted to the accused/respondents No.3 to 6 by the learned Additional Sessions Judge, Borivali Division, Dindoshi, Mumbai, by an order dated 3 March 2025, in connection with CR No.111 of

2025, registered at Sakinaka Police Station, Mumbai, for the offences punishable under Sections 85, 316(2), 115(2), 352, 351(2), 74 of the Bharatiya Nyaya Sanhita, 2023.

3. The learned Counsel for the applicant submits that the learned Sessions Judge, while granting pre-arrest bail to the accused/ respondents No.3 to 6, did not adequately consider or examine the substantive merits of the prosecution's case. Furthermore, the learned Counsel expresses concern over the fact that the applicant was not afforded an opportunity of being heard during the adjudication of the anticipatory bail.

4. At the outset, the learned APP, upon instructions from the investigating officer, apprised the Court that the investigation in the matter has been concluded and that a charge sheet has already been filed. He further submits that, the custodial interrogation of the applicant is not necessary.

5. While distinguishing between the cancellation of previously granted bail and initial denial of bail, it is essential to recognize 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 and 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. All these aspects are highlighted in *Puran v. Rambilas*¹ *Dolat Ram v. State of Haryana*² and *Himanshu Sharma v. State of Madhya Pradesh*³.

6. Upon perusing the records, it appears that the investigation in the present crime has reached its conclusion, and a charge-sheet has already been filed before the competent Court. There is nothing in the records to indicate that the accused has, at any point, attempted to interfere with or tamper with the evidence relied upon by the prosecution, nor is there any material suggesting that the accused has sought to influence or intimate the witnesses. Furthermore, there is no indication that the accused has misused the liberty granted to him. The learned Additional Sessions Judge, has, in conformity with well settled legal principles, rightly abstained from delving into the merits of the case at the primary stage and has confined his assessment strictly to the existence of a *prima facie* material.

7. In light of the fact that the investigation has concluded, the charge-sheet has been filed, and no new or compelling

¹ (1995) 1 SCC 349

² (2001) 6 SCC 338

³ (2024) 4 SCC 222.

circumstances have arisen subsequent to the grant of bail that would warrant reconsideration, this Court finds no justification to entertain the plea seeking rejection of the pre-arrest bail already granted to the accused. Accordingly, the application stands rejected.

[R.N. Laddha, J.]