



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.6144 OF 2025**

Sajida Jamshed Sayed ... Petitioner
versus
Tejas Hemchandra Suryavanshi and Anr. ... Respondents

Ms. Misbaah Solkar with Ms. Zehra Sayyed, for Petitioner.
Mr. K.C.Shinde, APP for State.
PSI Khan, Khar Police Station present.

CORAM: N.J.JAMADAR, J.

DATE : 26 NOVEMBER 2025

P.C.

1. Heard the learned Counsel for the Petitioner.
2. The Petitioner assails an order dated 3 February 2025 passed by the learned Sessions Judge, whereby the application preferred by the Petitioner for cancellation of bail granted to the Respondent No.1 by the learned Magistrate by an order dated 15 April 2023, came to be rejected.
3. Learned Sessions Judge was of the view that no case for cancellation of bail was made out.
4. Ms. Solkar would urge, the allegations against the Respondent No.1, who has been arraigned in C.R.No.1329 of 2022 registered with Khar Police Station for the offences punishable under Sections 420 and 406 read with Section 34 of the Indian Penal Code, 1860, are grave. Without advertng to the gravity of the offences and the fact that the Respondent No.1 has duped

many a persons by offering the very same premises, learned Magistrate released the Respondent No.1 on bail, barely under 10 days of the arrest. Therefore, the order of grant of bail as well as the impugned order, whereby the learned Sessions Judge unjustifiably declined to cancel the bail, deserve to be quashed and set aside.

5. I have perused the order dated 15 April 2023 passed by the learned Magistrate releasing the Respondent No.1 on bail. Having regard to the nature of the accusation, the offences for which the Respondent No.1 has been arraigned, and the reasons which weighed with the learned Magistrate in exercising the discretion in favour of the Respondent No.1, the submissions of Ms. Solkar do not merit acceptance. The distinction between the rejection of bail in a non-bailable case at the initial stage and the cancellation of bail already granted, is well-marked. Very cogent and overwhelming circumstances are necessary for an order directing the cancellation of bail already granted. It is trite, bail once granted should not be cancelled in a light manner without examining whether on account of any supervening circumstances, it would be prejudicial to fair trial to allow the accused to enjoy the liberty secured by an order of bail. **(Dolat Ram and Ors. V/s. State of Haryana¹**

6. In the case at hand, the thrust of the submission of Ms. Solkar was that

1 (1995) 1 scc 349

the bail was granted upon an inadequate consideration of the gravity of the offences and the material on record.

7. Prima facie, the said submission does not merit acceptance as the learned Magistrate has ascribed adequate reasons. In any event, as the offence under Section 420 of the IPC entails punishment which may extend to seven years, by no stretch of imagination, can it be said that very strong and overwhelming circumstances exist to deprive the Respondent No.1 of the liberty secured by an order of bail.

8. The Writ Petition, thus, stands dismissed.

(N.J.JAMADAR, J.)