

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

**CRIMINAL APPLICATION NO. 127 OF 2026**

Pratik Rajendra Jadhav ... Applicant

V/s.

The State of Maharashtra & Anr. ... Respondents

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Mr. Ranjeet Pawar, Advocate for Applicant.

Mr. Manas Gawankar, Advocate for Respondent No. 2.

Mr. Sukanta Karmakar, APP for Respondent – State.

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**CORAM : ASHWIN D. BHOBE, J.**

**DATE : 17<sup>th</sup> FEBRUARY, 2026.**

**P.C. :**

1. Heard Mr. Ranjeet Pawar, learned Advocate for the Applicant, Mr. Sukanta Karmakar, learned APP for the State and Mr. Manas Gawankar, learned Advocate for Respondent No. 2.

2. By this Application, the Applicant assails the order dated 19<sup>th</sup> January, 2026, passed by the Court of the Additional Sessions Judge, Baramati (“Sessions Court”), in Special Case No. 214 of 2025, whereby the Sessions Court allowed the Application

dated 26<sup>th</sup> December, 2025, at Exhibit-35, filed by the prosecution, seeking cancellation of the bail granted to the Applicant on 09.12.2025 in Special Case No. 214 of 2025, and dismissed the Application dated 19<sup>th</sup> January, 2026, at Exhibit - 38, in which the Applicant's request for exemption was rejected and a Non-Bailable Warrant was issued against the Applicant.

3. Material facts relevant to the adjudication of the present Application are that the Applicant is an Accused in Crime No. 164 of 2025, registered with the Supa Police Station, Taluka Baramati, District Pune, for offences punishable under Sections 64(1), 333, and 351(2) of the Bhartiya Nyaya Sanhita, 2023, and Sections 4 and 8 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO' Act). The said crime is registered as Special Case No. 214 of 2025 and is pending on the file of the Sessions Court.

4. Applicant was arrested on 17<sup>th</sup> September, 2025, and remained in custody until he was granted bail by the Sessions Court on 9<sup>th</sup> December, 2025, on the conditions mentioned in para 2(i) to (v) and 3.

5. On 26<sup>th</sup> December, 2025, the Respondent No. 1 filed an Application under Section 439 (2) of Cr. P. C., marked Exhibit – 35, seeking cancellation of the Bail granted to the Applicant. The grounds for cancellation of the Bail were that the CCTV footage dated 11<sup>th</sup> December, 2025, showed the Applicant leaving a salon (Rutba Mens Parlour) in Supa Village. According to the prosecution, the Applicant thereby breached Bail condition no. 2(v) of the order dated 9<sup>th</sup> December, 2025.

6. The Application at Exhibit - 35 was resisted by the Applicant. The Applicant contended that he was released from jail on 11<sup>th</sup> December, 2025, and had returned to his house to collect his clothes. As he needed a haircut, he stopped at the salon (Rutba Mens Parlour) while on his way to leave Supa Village.

7. The Applicant's contention did not find favour with the Sessions Court, which resulted in the Application at Exhibit – 35 being granted and the Bail being cancelled. The reasons for cancelling the Bail are set out in paragraph No. 4 of the order

dated 19<sup>th</sup> January, 2026.

8. On 19<sup>th</sup> January, 2026, the Applicant filed an Application for adjournment/exemption from appearance (Exhibit – 38), which was rejected by the Sessions Court, and an NBW was issued against the Applicant. The Applicant is thus before this Court.

9. Mr. Ranjeet Pawar, learned Advocate for the Applicant, submits that the Applicant, though granted Bail on 9<sup>th</sup> December, 2025, had the formalities for his release completed on 11<sup>th</sup> December, 2025. The Applicant, a permanent resident of Supa Village, had to enter the Village to collect his clothes. Mr. Ranjeet Pawar submits that, although the Applicant had to exit the Village immediately upon collecting his clothes, he had a haircut at the salon and left the Village Supa immediately thereafter. He therefore submits that leniency be shown by protecting the liberty of the Applicant, who has been enlarged on Bail on merits. He submits that, apart from the incident on 11<sup>th</sup> December 2025, the Applicant has complied with the bail conditions.

10. Mr Sukanta Karmakar, learned APP for the State, submits that the order dated 9<sup>th</sup> December, 2025, amongst other conditions, specifically barred the Applicant from entering the Village Supa, and as such, the Applicant could not have entered the Village Supa. He submits that entering the Village Supa after 9<sup>th</sup> December, 2025, itself is sufficient to cancel the Applicant's Bail. He, however, states that the prosecution has not alleged any other breach of the condition of the Order dated 9<sup>th</sup> December, 2025, granting Bail.

11. Mr. Manas Gawankar, learned Advocate for Respondent No. 2, states that the Applicant ought not to have entered Supa Village, even for the purpose of collecting his clothes. He further submits that the victim in the present crime is terrified, knowing that the Applicant was present in Supa Village. Mr. Manas Gawankar submits that, in the event this Court considers the Applicant's request, a further stringent condition be imposed on the Applicant not to enter the District of Pune till further orders from the Sessions Court.

12. In rejoinder, Mr. Ranjeet Pawar submits that it was a mistake on the part of the Applicant to enter the Village Supa on 11<sup>th</sup> December, 2025, and reiterates that the Applicant shall abide by each and every condition of the order dated 9<sup>th</sup> December, 2025. He states, on instructions from the Applicant, that the Applicant shall not enter the District of Pune for a period this Court may deem fit and proper to impose. He submits that this statement is in addition to the conditions imposed in the Bail Order dated 9<sup>th</sup> December, 2025.

13. The allegation against the Applicant is that he has breached Condition No. 2(v) of the Bail Order dated 9<sup>th</sup> December, 2025, passed in Special Case No. 214 of 2025, which reads as follows:

*2. (v) Accused shall not enter in Supa village till the conclusion of trial and he shall not contact with the victim in any manner.*

14. Indisputably, the Applicant, apart from entering the Village of Supa on 11<sup>th</sup> December, 2025, to collect his clothes and get a haircut, did not thereafter remain in or enter the Village of Supa. Further, there are no allegations that the Applicant violated

or breached any other condition imposed by the order dated 9<sup>th</sup> December, 2025.

15. Mr. Manas Gawankar and Mr. Sukanta Karmakar, learned APP for the State, confirm that during the period when the Applicant was in Village Supa on 11<sup>th</sup> December, 2025, he neither attempted to contact the victim nor any other witnesses to the Crime.

16. The Hon'ble Supreme Court in the case of **Phireram Vs. State of Uttar Pradesh and Anr<sup>1</sup>**, in paragraphs 54 to 59, has laid down the principles governing the cancellation of bail:

*54. The law on cancellation of bail is well settled through a plethora of decisions of this Court.*

*55. In P v. State of M.P., (2022) 15 SCC 211 this Court held that the grant of bail is always conditional and may be subject to cancellation, if after the grant of the same there is any supervening circumstances that impedes fair trial.*

*"23. In a recent decision of a three-Judge Bench of this Court in Imran v. Mohd. Bhava [Imran v. Mohd. Bhava, (2022) 13 SCC 70] it has been held as follows:*

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<sup>1</sup> 2025 SCC OnLine SC 1915

"20. Indeed, it is a well-established principle that once bail has been granted it would require overwhelming circumstances for its cancellation. However, this Court in its judgment in Vipan Kumar Dhir v. State of Punjab [Vipan Kumar Dhir v. State of Punjab, (2021) 15 SCC 518] has also reiterated, that while conventionally, certain supervening circumstances impeding fair trial must develop after granting bail to an accused, for its cancellation by a superior court, bail, can also be revoked by a superior court. when the previous court granting bail has ignored relevant material available on record, gravity of the offence or its societal impact. It was thus observed:

'9. ...Conventionally, there can be supervening circumstances which may develop post the grant of bail and be supervening are non-conducive to fair trial, making it necessary to cancel the bail. This Court in *Dolat Ram v. State of Haryana* [*Dolat Ram v. State of Haryana, (1995) 1 SCC 349: 1995 SCC (CH) 237*] observed that:

"4. 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.”*

*10. These principles have been reiterated time and again, more recently by a three-Judge Bench of this Court in X v. State of Telangana [X v. State of Telangana, (2018) 16 SCC 511 : (2020) 1 SCC (Cri) 902].*

*11. In addition to the caveat illustrated in the cited decision(s), bail can also be revoked where the court has considered irrelevant factors or has ignored relevant material available on record which renders the order granting bail legally untenable. The gravity of the offence, conduct of the accused and societal impact of an undue indulgence by Court when the investigation is at the threshold, are also amongst a few situations, where a Superior Court can interfere in an order of bail to prevent the miscarriage of justice and to bolster the administration of criminal justice system...’*

*xxx xxx xxx*

*23. Thus, while considering cancellation of bail already granted by a lower court, would indeed require significant scrutiny at the instance of superior court, however, bail when granted can always be revoked if the relevant material on record, gravity of the offence or its societal impact have not been considered by the lower court. In such instances, where bail is granted in a mechanical manner, the order granting bail is liable to be set aside. Moreover, the decisions cited hereinabove, enumerate certain basic principles which must be borne in mind when deciding upon an application for grant of bail. Thus, while each case has its own unique factual matrix, which*

*assumes a significant role in determination of bail matters, grant of bail must also be exercised by having regard to the abovementioned well-settled principles.”*

*24. As can be discerned from the above decisions, for cancelling bail once granted, the court must consider whether any supervening circumstances have arisen or the conduct of the accused post grant of bail demonstrates that it is no longer conducive to a fair trial to permit him to retain his freedom by enjoying the concession of bail during trial [Dolat Ram v. State of Haryana, (1995) 1 SCC 349 : 1995 SCC (Cri) 237]. To put it differently, in ordinary circumstances, this Court would be loathe to interfere with an order passed by the court below granting bail but if such an order is found to be illegal or perverse or premised on material that is irrelevant, then such an order is susceptible to scrutiny and interference by the appellate court.”*  
(Emphasis supplied)

56. This Court then summed up the principles or circumstance governing the cancellation of bail as under:—

*“25. Some of the circumstances where bail granted to the accused under Section 439(1) CrPC can be cancelled are enumerated below:*

*(a) If he misuses his liberty by indulging in similar/other criminal activity;*

*(b) If he interferes with the course of investigation;*

*(c) If he attempts to tamper with the evidence;*

*(d) If he attempts to influence/threaten the witnesses;*

*(e) If he evades or attempts to evade court proceedings;*

*(f) If he indulges in activities which would hamper smooth investigation;*

- (g) If he is likely to flee from the country;
- (h) If he attempts to make himself scarce by going underground and/or becoming unavailable to the investigating agency;
- (i) If he attempts to place himself beyond the reach of his surety.
- (j) If any facts may emerge after the grant of bail which are considered unconducive to a fair trial.

We may clarify that the aforesaid list is only illustrative in nature and not exhaustive.”

(Emphasis supplied)

57. The governing principle is that if the accused tampers with evidence, threatens witnesses, or attempts to subvert the trial, the indulgence of bail is to be withdrawn. It is a recognition that liberty is conditional, not absolute, and subject always to the larger interest of ensuring a fair trial. Considerations for cancellation of bail must always be on the basis of the well settled principles as discussed aforesaid. There cannot be any extraneous considerations involved that are unknown to the law of bails.

58. At the same time, emphasis has to be laid that cancellation of bail occupies a distinct space in the criminal justice machinery. Cancellation intervenes at the stage of violation, to prevent recurrence. In *State through Delhi Administration v. Sanjay Gandhi*, (1978) 2 SCC 411, this Court underscored that tampering with witnesses constitutes a cogent ground for cancellation, for the “opportunity of being on bail cannot be permitted to be abused for the purpose of thwarting the course of justice.” Similarly, in *Raghubir Singh v. State of Bihar*, (1986) 4 SCC 481, it was reiterated that intimidation of witnesses is sufficient to revoke the liberty granted. It must be guided by the lodestar of preventing interference with witnesses that “strikes at the root of the rule of law.”

*59. Thus, the considerations that must weigh with the court for setting aside the bail order on an application being moved by the aggrieved party include any supervening circumstances that might have occurred after granting relief to the accused, the conduct of the accused while on bail, any attempt on the part of the accused to procrastinate, resulting in delaying the trial, any instance of threats being extended to the witnesses while on bail, any attempt on the part of the accused to tamper with the evidence in any manner etc.*

17. In view of the facts and circumstances stated hereinabove, the absence of any allegations that the Applicant attempted to delay the trial, issue any threats to any witnesses, or attempt to tamper with evidence in any manner, and guided by the principles laid down in Phireram (supra), I deem it fit and proper to entertain the present Application.

18. The impugned order dated 19<sup>th</sup> January, 2026, on Exhibit – 35, and the order dated 19<sup>th</sup> January, 2026, on Exhibit – 38, passed by the Sessions Court in Special Case No. 214 of 2025, are set aside. Consequently, Application at Exhibit – 35 is dismissed. The Bail order dated 9<sup>th</sup> December, 2025, in Special Case No. 214 of 2025, is restored. The Non-Bailable Warrant issued to the Applicant is cancelled.

19. The statement made by Mr. Ranjeet Pawar, on instructions from the Applicant, not to enter the District of Pune for the period this Court would order, is accepted. All other Bail Conditions of the Bail order dated 9<sup>th</sup> December, 2025, in Special Case No. 214 of 2025 remain intact.

20. In addition to the Bail conditions in the order dated 9<sup>th</sup> December, 2025 in Special Case No. 214 of 2025, the following conditions are imposed: -

(a) The Applicant shall not enter the territorial jurisdiction of Pune District until the examination of the Victim in Special Case No. 214 of 2025, except for attending the trial/hearing in Special Case No. 214 of 2025;

(b) The Applicant shall regularly attend and appear before the Court of the Additional Sessions Judge, Baramati, in Special Case No. 214 of 2025 unless specifically exempted by the Sessions Court.

21. Criminal Application No. 127 of 2026 is allowed in the above terms.

**(ASHWIN D. BHOBE, J.)**