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VASANT
ANANDRAO
IDHOL

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.653 OF 2026

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Date: 2026.04.18
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Ranjan Rupshi Nisar

...Applicant

V/s.

State of Maharashtra & Anr.

..Respondents

Mr.Bhomesh Bellam with Mr.Tejas Kothalikar for the Applicant.

Ms.Veera Shinde, APP for the State – Respondent.

Mr.Rupesh R. Maurya for Respondent No.2.

Ms.Jaymala J.Vasave, P.I. attached to Kasturba Marg Police Station, Mumbai is present in Court.

CORAM : R.M. JOSHI, J.

DATE : 8TH APRIL, 2026.

P.C. :-

1. The applicant is being aggrieved by the impugned order dated 25/03/2026 passed by the learned Sessions Court, Dindoshi, in Criminal Misc. Application No.250 of 2025 in relation to FIR bearing C.R.No. 205 of 2025 registered at Kasturba Marg Police Station on 21/04/2025 under Section 79, 294, 356(3) of the Bhartiya Nyay

1/10 *“Modified vide speaking to the minutes of the order dated 17.04.2026.”*

Sanhita,2023 and section 12 of Protection of Children from Sexual Offence Act,2012 and section 67,67(a) of Information Technology Act,2000 whereby the bail previously granted to the applicant vide bail order dated 18/06/2025 was cancelled and has preferred this application for grant of bail.

2. The Applicant, a freelance teacher and resident of Mumbai, challenges the "impugned order" dated 25/03/2026 passed by the learned Sessions Court, Dindoshi, which cancelled the bail previously granted to her on 18/06/2025. The case originated from FIR C.R. No. 205 of 2025 at Kasturba Marg Police Station, involving allegations of defamatory and lewd WhatsApp messages under the BNS, POCSO, and IT Acts. Although the Applicant was not arrested during the investigation, she submitted to the Court's jurisdiction upon the filing of the chargesheet in May 2025.

3. Shortly after bail was granted, the Investigating Officer (Respondent No. 1) sought its cancellation via Criminal Misc. Application No. 250 of 2025. The prosecution

alleged that the Applicant intimidated the I.O. (recorded in a General Diary entry on 08/07/2025) and threatened a panch witness via a WhatsApp call on 21/06/2025, leading to a Non-Cognizable (NC) offense report being filed. Accordingly the Applicant maintains these allegations are entirely fabricated and retaliatory, stemming from a longstanding legal feud with the First Informant (Respondent No. 2), who has filed multiple FIRs against her.

4. The learned Counsel for the Applicant submits that the cancellation is based on a "mechanical" appreciation of facts. It is argued that the allegations of threatening a panch witness and the Investigating Officer (I.O.) are purely retaliatory, stemming from a documented history of cross-FIRs between the parties. Significantly, the Applicant by drew attention of the court to points out that the learned Sessions Court relied on a WhatsApp exchange where both mobile numbers belong to the Applicant herself, thereby proving a gross non-application of mind. Furthermore, the electronic evidence relied upon by the State lacks the mandatory certificate under Section 63 of the Bharatiya

Sakshya Adhiniyam (BSA), 2023.

5. He then argues that no formal investigation under Section 174 of the BNSS was initiated regarding the NC complaint to verify the veracity of the threats. Emphasizing applicant's status as a woman with no prior criminal record and the fact that the alleged offenses carry a punishment of less than seven years, learned Counsel for the Applicant submits that the cancellation of bail was a mechanical exercise of power that unjustly curtails her personal liberty without following due process of law.

6. The learned APP for Respondent No. 2 argues that the sanctity of the trial is paramount. It is further contended that the registration of a Non-Cognizable (NC) offense under Section 351(2) BNS for criminal intimidation, coupled with a General Diary entry by the I.O., is sufficient proof that the Applicant has breached the relevant bail condition of not tampering with witnesses.

7. Upon perusal of the record, it appears that the bail is granted with conditions to this accuses no.1 vide

4/10 "Modified vide speaking to the minutes of the order dated 17.04.2026."

order dated 18.06.2025. The relevant condition of bail, reads thus: 2(c) :- “They shall not threaten, pressurize in any way” similarly condition no.2(e) reads that, “breach of any of the conditions mentioned, shall make the petitioner liable for cancellation of bail”.

8. It is the case of the prosecution that after the grant of bail the accused no.1 has misused the liberty granted to her. The accused no.1 call panch witness told him that he needs to immediately come to the MRA police station and tell police that his signature was obtained under coercion otherwise she will file a case against him stating he made a false translation and threatened him that she will get him imprisoned.

9. Record Indicates that learned APP NCR no.2155/2025 dated 21/06/2025 came to be registered in that respect. The said incident occurred on 21/06/2025 and the bail order is dated 18/06/2025 which shows that immediately when released, accused no.1 threatened the panch witness which is gross breach of condition 2(c) of

bail order dated 18/06/2025.

10. During the course of the arguments when counsel for accused no.1 was confronted with the said allegation of threatening the witness and putting them under coercion despite being aware of the fact that it would jeopardize her bail, accused no.1 did not deny those allegations and went on to justify it stating that the accused was in a state of ‘frustration’ and ‘desperation’. Pertinently even in the application there is no specific denial/statement about her not calling the panch witness.

11. In so far as the judgment relied upon by the counsel for applicant of the Hon’ble Supreme Court of India in the case of *Subhendu Mishra Vs. Subrat Kumar Mishra and Anr. 2000 SCC (Cri) 1508* it is observed that, “bail once granted should not be cancelled in a mechanical manner without considering whether any supervening circumstances” have rendered it no longer conducive to ensure a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during the trial.

12. Though it is claimed by applicant that her statements are not threats but expression of desperation and frustration, but *prima facie* the screenshots of the chats clearly indicated that accused no.1 has not only threatened the panch witness but also threatened and coerced the policy authority upon being released on bail . As such, where there is evidence on record to indicate interference in the evidence of prosecution by accused on bail, there would not be any impediment in cancellation of bail.

13. Regarding the Applicant's contention that the cancellation of bail was unlawful because NC No. 2155/2025 (registered on 21/06/2025) was not formally investigated, this Court finds such an argument untenable in the context of bail an enquiry made in respect of breach of condition of bail and for the purpose of it's revocation. Under Section 174 of the BNSS, 2023 (corresponding to Section 155 of the erstwhile CrPC), it is a settled mandate that a police officer cannot investigate a non-cognizable offense without an order from a Magistrate. The

question would be whether the enquiry for limited purpose of ascertaining correctness of the allegation against the accused, of breach of the bail conditions, any enquiry could be done or not.

14. In consistent view of court, the requirement for a concluded investigation into the fresh allegations is not a condition precedent for a Court to exercise its discretionary power to cancel bail. To hold that bail cannot be cancelled until a formal NC investigation is complete would result in a grave delay in justice and create a dangerous window for the further intimidation of witnesses. In the present case, the fact that a threat was allegedly issued to a *panch* witness—demanding that he should claim his signature having been obtained under coercion—just three days after the Applicant was released on 18/06/2025, constitutes a "supervening circumstance" that renders the Applicant's freedom no longer conducive to a fair trial. The *prima facie* evidence provided in form of CDR and WhatsApp screenshots clearly indicates a violation of Condition 2(c) and 2(e) of the original bail order. Consequently, prioritizing a procedural technicality over the immediate safety

of the witness and the sanctity of the trial would lead to severe consequences and a potential miscarriage of justice.

15. This Court finds that the Applicant has significantly misused the liberty granted to her. To allow her to remain at large in light of these documented threats would be a failure to ensure justice. The fact that accused no 1. is a woman would not be sufficient to take any different view, which would be taken in case of such act being done by a man. The conditions for grant of bail for a man and woman might differ and it would be taken into consideration that she is a woman supporting her sick elderly father, however it does not in any way allow her to outrightly violate the principles of natural justice let alone the bail conditions.

16. Considering the facts of the case and hearing the learned Counsels for applicant and respondent of the present application, it shows that accused no.1 has misused the liberty granted to her vide bail order dated 18/06/2025 hence, it was necessary to cancel the bail granted to accused no.1 to ensure justice.

17. In view of above discussion, this Court finds no merit in the challenge against the Sessions Court's decision. Consequently, the application stands dismissed.

(R.M. JOSHI, J.)