



Sonawane

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Criminal Application No.386 of 2019

Sangita Jalindar Bade
Age-42 Years, Occupation-Housewife
Residing at Survey No.11, Opposite Dinesh
Flore Mill, Padwal Nagar, Thergaon, Pune .. Applicant.
Vs.
The State of Maharashtra
(Through Wakad Police Station, Pune)

2. Jalindar Nivrutti Bade
Age -43 Years, Occupation -Agriculture,
Residing at S. No.11, Opposite Dinesh Flore
Mill, Padwal Nagar, Thergaon, Pune.

3. Bhaskar Jalindar Bade,
Age-57 Years, Occupation-Agriculture,
Residing at Samangaon, Taluka-Shevgaon,
District-Ahmednagar.

4. Kastura Bhaskar Kute,
Age-50 Years, Occupation-Housewife,
Residing at Balika Ashram Road, Lendkar
Mala, Ahmednagar.

5. Sachin Bhaskar Kute,
Age -29 Years, Occupation -Education,
Residing at Balika Ashram Road, Lendkar
Mala, Ahmednagar.

6. Seeta Arjun Khade,
Age-48 Years, Occupation-Housewife
Residing at Shevgaon, Mira Road,
Taluka-Shevgaon, District-Ahmednagar.

7. Dnyaneshwar Arjun Khade,
Age-25 Years, Occupation-Education,
Residing at Shevgaon, Mira Road,
Taluka-Shevgaon, District-Ahmednagar.
8. Arjun Kashinath Khade,
Age-51 Years, Occupation-Agriculture,
Residing at Shevgaon, Mira Road,
Taluka-Shevgaon, District-Ahmednagar.
9. Ramkisan Bhimrao Khade,
Age-34 Years, Occupation-Service,
Residing at Gajanan Nagar, Panchawati
Colony, Kalewadi, Rahatani, Pune.
10. Trimbak Bhimrao Khade,
Age-38 Years, Occupation-Service,
Residing at Padwalnagar, Thergaon, Pune.
11. Vandana Rambhau Karkhele
Age-36 Years, Occupation- Service,
Residing at Tanishk Icon, Near Dattanagar
Bus Stop, Dighi, Pune.
12. Gorakshnath Rambhau Karkhele,
Age-34 Years, Occupation- Service,
Residing at Tanishk Icon, Near Dattanagar
Bus Stop, Dighi, Pune.
13. Rambhau Maruti Karkhele
Age -68 Years, Occupation – Agriculture,
Residing at Vidyanagar, Shevgaon,
Taluka-Shevgaon, District-Ahmednagar.
14. Jijabai Rambhau Karkhele,
Age-60 Years, Occupation-Agriculture,
Residing at Vidyanagar, Shevgaon,
Taluka-Shevgaon, District-Ahmednagar Respondents.

Ms Samruddhi Kulkarni i/by Ajit M Savagave for the applicant.
Ms Supriya Kak, APP for Respondent/State.

Coram : R.N.Laddha, J.

Date : 10 September 2024.

P.C. :

Heard Ms Samruddhi Kulkarni, the learned Counsel appearing on behalf of the applicant and Ms Supriya Kak, the learned Additional Public Prosecutor representing the respondent/ State.

2. The applicant has preferred this application seeking cancellation of the bail granted to the accused/respondents No.2 to 14 by the learned Additional Sessions Judge, Pune, granted bail to the accused by order dated 21 June 2019, in connection with CR No.301 of 2019, registered at Wakad Police Station, Pune, for offences punishable under Sections 498-A, 377, 420, 467, 468, 471, 323, 504 and 506 read with Section 34 of the Indian Penal Code.

3. The applicant's contention is that the learned Judge failed to delve into the substantive merits of the prosecution's case at the time of granting bail. However, it is a settled principle in law, as expounded in *Puran v. Rambilas*¹, that at the preliminary bail stage, the Court should not undertake a

¹ (2001) 6 SCC 338

detailed examination of the evidence and elaborate documentation of the merits of the case; the primary consideration lies in the prima facie scrutiny of the material on record. Furthermore, once granted, the bail should not be cancelled mechanically unless there emerges, subsequent to the grant, compelling and supervening circumstances of such a nature as to compromise a fair trial, as highlighted in ***Dolat Ram v. State of Haryana***². The relevant para reads thus :

“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

² (1995) 1 SCC 349

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.”

5. Upon perusing the records, it appears that the alleged offence was committed in 2019. During the intervening period, the investigation was completed, culminating in filing the charge sheet in 2021. There is nothing on record to suggest that the accused interfered or attempted to interfere with the prosecution evidence or influence the witnesses. Furthermore, the records do not indicate that the accused has misused the bail concession granted to him. The learned Additional Sessions Judge, in accordance with the legal principles, rightly refrained from entering into the merits of the case, confining his adjudication to the prima facie material. That apart, at this stage, with the investigation concluded, the charge sheet filed, and the absence of new compelling grounds post bail, this Court does not accede to the prayer for bail revocation.

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

[R. N. Laddha,J.]