



IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS.880 - 883/2024
[@ SLP [CRIMINAL] NOS.10097-10100/2023]

GANESH ETC.

Appellant(s)

VERSUS

THE STATE OF MAHARASHTRA & ANR.

Respondent(s)

O R D E R

Leave granted.

Heard learned counsel for parties.

The appellants seek to set aside the impugned order(s) by which bail granted to them was cancelled after a period of two years and eight months. The impugned order(s) was passed on the premise that the trial Court, while granting bail did not give adequate reasons.

Learned senior counsel appearing for the appellants submitted that the aforesaid reasoning based on which the impugned order(s) was passed cannot be sustained in the eyes of law. The appellants are not responsible for not giving adequate reasons in the opinion of the High Court. The allegations made against the

appellants with respect to an alleged threat has no factual foundation. The investigation is over and the charges have been framed.

Learned counsels appearing for the State and the informant submitted that on considering the nature of allegations, the impugned order(s) will have to be sustained. The appellants made continuous threat to the family of the deceased and, therefore, complaint has been given, though not registered, and in such view of the matter, the bail deserves to be rejected.

We find force in the submission made by learned senior counsel for the appellants. The Court of Sessions had granted bail more than two years ago. For not furnishing adequate reasons, bail cannot be cancelled. Nothing prevented the High Court from giving its own reason. Admittedly, the investigation is over and charge sheet has been filed. The overt act attributed to the appellants is that they attacked the deceased with iron rod and sticks.

We are not inclined to go into the issue as to whether the appellants are threatening the family of the deceased, as the said issue can be

a factor in seeking cancellation of bail. There is a difference between an order challenging the grant of bail and an order for cancellation of bail.

Thus, taking into consideration the aforesaid facts, we are inclined to set aside the impugned order(s), and the judgment and order(s) passed by the trial Court stands restored.

The appellants are granted bail subject to the terms and conditions to the satisfaction of the trial Court. However, liberty is granted to the respondents to seek cancellation of bail if the appellants either violate the terms and conditions of the bail or do anything in the nature of threatening the witnesses.

It is further open to the respondents to seek cancellation of the bail if the appellants try to protract the trial.

We also observe that in the event of any application for cancellation of bail being filed as aforesaid, our order will not stand in the way of the trial Court and it is open to the trial Court to decide such application on its own merits.

The appeals stand allowed in the above terms.

.....J.
[M.M. SUNDRESH]

.....J.
[S.V.N. BHATTI]

NEW DELHI;
FEBRUARY 14, 2024.

ITEM NO.3

COURT NO.14

SECTION II-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (CrI.) No(s). 10097-10100/2023

(Arising out of impugned final judgment and order dated 13-07-2023 in ACB No. 18/2021 13-07-2023 in ACB No. 17/2021 13-07-2023 in ACB No. 11/2021 13-07-2023 in ACB No. 10/2021 passed by the High Court Of Judicature At Bombay At Aurangabad)

GANESH ETC.

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ANR.

Respondent(s)

IA No. 163354/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 163355/2023 - EXEMPTION FROM FILING O.T.

Date : 14-02-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.M. SUNDRESH

HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s) Mr. Sudhanshu S. Chaudhari, Sr. Adv.
 Mr. Mahesh P. Shinde, Adv.
 Ms. Gautami Yadav, Adv.
 Ms. Pranjal Chapalgaonkar, Adv.
 Mr. Ashok Kumar Gupta II, AOR

For Respondent(s) Ms. Arundhati Katju, Adv.
 Ms. Shristi Borthakur, Adv.
 Mrs. Ritika Meena, Adv.
 Mr. Vardhman Kaushik, AOR
 Ms. Parkhi Rai, Adv.

Mr. Aaditya Aniruddha Pande, AOR
 Mr. Siddharth Dharmadhikari, Adv.
 Mr. Bharat Bagla, Adv.
 Mr. Sourav Singh, Adv.
 Mr. Aditya Krishna, Adv.
 Ms. Preet S. Phanse, Adv.
 Mr. Adarsh Dubey, Adv.

UPON hearing the counsel the Court made the following
 O R D E R

Leave granted.

The appellants are granted bail on terms and conditions to the satisfaction of the trial Court.

The appeals stand allowed in terms of the signed order.

Pending applications stand disposed of.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR CUM PS

(POONAM VAID)
COURT MASTER (NSH)

[SIGNED ORDER IS PLACED ON THE FILE]