

CNR No.MHAM010019112026



State of Mah. Crime Branch,
Through Gajanan B.Sonune
Vs.
Sk.Rahim @ Hunga Sk.Aman

ORDER BELOW EXH.01 IN OTHER MISC.CRI.APPLN.NO.80/2026
(Passed on 11.06.2026)

The present application has been preferred by the applicant-State seeking cancellation of the regular bail granted to the respondent-accused by this Court vide order dated 27/03/2026 passed in Bail Application No. 229/2026.

2. The learned A.P.P. has contended that despite discharge from the hospital, the respondent has failed to attend the police station and has not cooperated with the investigating agency. He further contended that the respondent filed a false documents of medical treatment at the time of granting bail. It is submitted that such conduct amounts to a breach of the conditions of bail and has obstructed the course of investigation.

3. On the other hand, the learned Advocate for the respondent has contended that the respondent has not jumped any conditions of the bail. The respondent was taking continuous treatment after being granted bail. He was discharged from Med-life Hospital on 09/06/2026 and immediately appeared before the investigation officer. He further contended that the applicant has not stated that the respondent's non-appearance impedes the investigation. The respondent has also placed on record nine documents to show the medical treatment.

4. I have heard the argument of both sides at length and also perused the record and bail order.

5. It is a settled principle of law that rejection of a bail application at the initial stage and cancellation of bail already granted stand on different footings. Once liberty has been granted, the same should not ordinarily be withdrawn unless there exist cogent and overwhelming circumstances. However, it is equally well settled that where the accused misuses the liberty granted by the Court, violates the conditions imposed, attempts to obstruct the investigation, tampers with evidence, influences witnesses, or otherwise acts contrary to the terms on which bail was granted, the Court is empowered to cancel the bail.

6. It appears from the record that the accused was granted regular bail primarily on humanitarian and medical grounds, considering his health condition and hospitalization at the relevant time. While granting bail, this Court imposed a specific condition that, after being discharged from the hospital, the accused shall mark his presence at the concerned police station on each Wednesday between 11.00 a.m. and 1.00 p.m. till the filing of the charge-sheet.

7. The record placed before the Court indicates that the accused was discharged from the Super Specialty Government Hospital on 22/03/2026. No material has been produced on behalf of the respondent demonstrating compliance with the condition requiring his appearance at the police station or any sufficient cause preventing such compliance. The medical papers placed on record, along with the reply, only indicate that the respondent was receiving medical treatment. However, these documents are insufficient to establish that the said illness prevented the respondent from reporting to the investigation officer that he

was unable to attend the police station. Admittedly, the respondent did not inform the investigation officer that he was unable to attend the police station due to continuous illness. The condition imposed by the Court was not merely formal but constituted the basis on which the concession of bail was granted. Once the accused obtained liberty on the strength of his medical condition, he was obligated to adhere to the conditions attached to the bail order strictly.

8. The conduct of the respondent in not reporting to the Investigating Officer and in failing to cooperate with the investigation amounts to a clear breach of the condition imposed by this Court. Such conduct undermines the authority of the Court and amounts to misuse of the liberty granted under the bail order.

9. It is well settled that violation of a bail condition and non-cooperation with the investigation constitute valid grounds for cancellation of bail. The conduct of the accused in failing to comply with the specific directions of this Court amounts to misuse of the liberty granted to him. I, therefore, am satisfied that the respondent has violated the terms and conditions upon which bail was granted and that his continued liberty is likely to prejudice the fair conduct of the investigation. The prosecution has thus succeeded in establishing sufficient grounds for cancellation of bail. I therefore pass the following order-

ORDER

- (I) Other Misc. Cri. Application No. 80/2026 for cancellation of bail is allowed.
- (ii) The regular bail granted to the respondent-accused vide order dated 27/03/2026 passed in Bail Application No.229/2026 is hereby cancelled.

- (iii) The respondent-accused shall surrender before the Investigating Officer within three days from the date of this order.
- (iv) In the event the respondent-accused fails to surrender within the stipulated period, the Investigating Officer shall take necessary steps to secure his custody in accordance with law.
- (v) The bail bonds furnished by the respondent-accused stand cancelled.
- (vi) A copy of this order be forwarded to the concerned Investigating Officer for immediate compliance.

Amravati
Dated : 11.06.2026

(P. P. Sharma)
Additional Sessions Judge-3
Amravati.