



OTHER MISC CRI. APPLN. No. 180/2023

MHAM010044662023

State V/s Aslam

ORDER BELOW EXH.1

This is an application under Section 439(2) of the Code of Criminal Procedure seeking cancellation of anticipatory bail granted to the non-applicants in Crime No. 512/2023 registered with Gadge Nagar Police Station for the offence punishable under Section 379 read with Section 34 of the Indian Penal Code.

2. The record reveals that the learned Additional Sessions Judge, by order dated 10.07.2023, granted anticipatory bail to the non-applicants after considering the material then available on record. The said order has attained finality and the liberty granted thereunder cannot be lightly interfered with.

3. It is true that in cases involving theft, custodial interrogation may, in a given case, assist the investigating agency in effecting recovery of the stolen property. However, the mere possibility that recovery may become easier upon arrest cannot, by itself, constitute a ground for cancellation of anticipatory bail already granted by a competent Court.

4. The principles governing grant of bail and cancellation of bail operate in distinct fields. Once bail has been granted, its cancellation requires existence of cogent and overwhelming circumstances such as misuse of liberty by the accused, violation of bail conditions, attempts to influence witnesses, tampering with evidence, evasion of investigation, or any other supervening circumstance rendering the continuance of bail detrimental to a fair investigation or administration of justice.

5. In the present matter, the applicant has not pointed out any subsequent event or supervening circumstance warranting cancellation of bail. There is no material to show that the non-applicants have breached any condition of the anticipatory bail order, have failed to cooperate with the investigation, have threatened witnesses, or have otherwise misused the concession of bail.

6. The grounds urged in the application substantially seek reconsideration of the merits on which anticipatory bail was granted. Such reconsideration is beyond the limited scope of proceedings for cancellation of bail under Section 439(2) of the Code.

7. In the absence of any compelling or exceptional circumstance justifying withdrawal of the liberty already granted, no case for cancellation of anticipatory bail is made out.

ORDER

Application is dismissed in limine.

Dt.01.06.2026

(Yashwant A. Goswami)
Additional Sessions Judge-2,
Amravati.