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MCRC-48726-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR

ON THE 23rd OF JANUARY, 2026MISC. CRIMINAL CASE No. 48726 of 2025*ROHIT KUMAR**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

Appearance:

Shri Sameer Anant Athawale, Advocate with Shri Ronak Badawaya,
Advocate for the petitioner.

Shri Ayushyaman Choudhary, Govt. Advocate for the respondent
No.1/State.

Shri Tanuj Tiwari, Advocate for the respondent [R-2].

ORDER

The present petition is being filed under section 439(2) of Cr.P.C./Section 483(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 for cancellation of anticipatory bail granted to the respondents No.2 - Meharban Singh, *vide* order dated 16.03.2023, passed in Cri.A. No.3498/2023 in connection with FIR/Crime No.414/2022 registered at Police Station - Susner, District Agar Malwa(M.P.) for offence punishable under Sections 307, 325, 294, 506, 34, 302 of IPC and Sections 3(1)(r), 3(1)s), 3(2)(V), 3(2)(VA) of the Scheduled Caste & Scheduled Tribe(Prevention of Atrocities)Act, 1989.

Learned counsel for the petitioner, in addition to the grounds mentioned in the petition, contends that the respondents No.2 - Meharban Singh was extended benefit of anticipatory bail *vide* order dated 16.03.2023, passed in Cri.A. No.3498/2023 subject to condition that he shall abide by the conditions



enumerated in Sub-section (2) of Section 438 of the Cr.P.C. Learned counsel for the petitioner submits that Meharban Singh has committed another offence which was reported by petitioner - Rohit Kumar to P.S. Susner. Accordingly, FIR at Crime No.205/2025 for offence punishable under Sections 296, 351(2), 3(5) of BNS, 2023 and Sections 3(1) (अ), 3(1) (ख) and 3(2) (VA) of SCST(Prevention of Atrocities)Act, was registered against Meharban Singh and Sujjan Soniya. Thus, Meharban Singh has violated the conditions for grant of bail. Therefore, the bail granted to the respondents No.2 - Meharban Singh *vide* order dated 16.03.2023, passed in Cri.A. No.3498/2023 be cancelled.

Per Contra, learned counsel for appearing for the respondent No.2 - Meharban Singh referring to Annexure-R/2 submits that petitioner Rohit Kumar was examined on 22.07.2023 as PW1. He did not allege any threatening in his evidence. The trial with regard to Crime No.414/2022 is proceeding at appropriate pace. Learned counsel further relying on the judgment of the Supreme Court in the case of ***Bhuri Bai Vs. The State of Madhya Pradesh*** reported in 2022 SCC Online (SC) 1779 contends that mere registration of subsequent FIR or filing of final report is not sufficient to cancel the bail already granted, unless cogent grounds are made out and there is apparent possibility of interference in the trial. Therefore, the petition is meritless.

Learned counsel for the State submits that the trial in earlier matter is underway. The final report has been submitted in subsequent prosecution at Crime No.205/2025.

Learned counsel for the petitioner was at loss to explain which witness was tampered due to conduct of respondent No.2 alleged in subsequent prosecution at Crime No.205/2025.

Considered.



Heard both the parties and perused the record.

The Supreme Court in case of *Dolat Ram v. State of Haryana* reported in (1995) 1 SCC 349, laid down the factors relevant for cancellation of bail already granted, as under-

“4. 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 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.”

These principles have been reiterated in case of *CBI v. Subramani Gopalakrishnan*, reported in (2011) 5 SCC 296, as under-

“23. It is also relevant to note that there is difference between yardsticks for cancellation of bail and appeal against the order granting bail. Very cogent and overwhelming circumstances are necessary for an order directing the cancellation of bail already granted. Generally speaking, the grounds for cancellation of bail 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 concessions granted to the accused in any manner. These are all only few illustrative materials. The satisfaction of the court on the basis of the materials placed on record of the possibility of the accused absconding is another reason justifying the cancellation of bail. In other words, 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.”

The Supreme Court in the case of *Bhuri Bai (supra)* has held as under :

"19. It remains trite that normally, very cogent and overwhelming circumstances or grounds are required to cancel the bail already granted. Ordinarily, unless a strong case based on any supervening event is made out, an order granting bail is not to be lightly interfered with under Section 439(2) of Cr.P.C.

20. It had not been the case of the prosecution that the appellant had misused the liberty or had comported herself in any manner in violation of the conditions imposed on her. We are impelled to observe that power of cancellation of bail should be exercised with extreme care and circumspection; and such cancellation cannot be ordered merely for any perceived indiscipline on the part of the accused before granting bail. In other words, the powers of



cancellation of bail cannot be approached as if of disciplinary proceedings against the accused and in fact, in a case where bail has already been granted, its upsetting under Section 439(2) of Cr.P.C is envisaged only in such cases where the liberty of the accused is going to be counteracting the requirements of a proper trial of the criminal case. In the matter of the present nature, in our view, over-expansion of the issue was not required only for one reason that a particular factor was not stated by the Trial Court in its order granting bail."

The factual scenario of the case in hand is examined in the light of aforestated prepositions of law. There is no material suggesting deliberate violation of condition of bail or other supervening circumstance relating to alleged offence warranting cancellation of bail. The veracity of prosecution in the subsequent offence will be determined after evidence in the trial. No supervening circumstance has been made out to warrant the cancellation of the bail.

In view of above discussion, this Court is of considered opinion that no case is made out for cancellation of anticipatory bail granted to the respondent No.2 - Meharban Singh *vide* order dated 16.03.2023, passed in Cri.A. No.3498/2023 [*Also relied on-* Himanshu Sharma v. State of M.P., (2024) 4 SCC 222.].

Consequently, present petition is **dismissed**.

CC as per rules.

(SANJEEV S KALGAONKAR)
JUDGE