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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2039 OF 2026

Chandrabhan @ Bhanu Vishwanath Khalde .. Applicant

Versus

State of Maharashtra .. Respondent

WITH
INTERIM APPLICATION NO. 3665 OF 2026
IN
CRIMINAL APPLICATION NO. 2039 OF 2026

Sulochana Gangaram Aware Applicant / .. Intervenor

IN THE MATTER BETWEEN:

Chandrabhan @ Bhanu Vishwanath Khalde .. Applicant

Versus

State of Maharashtra .. Respondent

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- Mr. Shirish Gupte, Senior Advocate a/w. Mr. Chetan Arvind Alai, Mr. Rishabh N. Chaurasia and Mr. Pranit L. Pawar, Advocates for Applicant.
- Mr. Yogesh M. Nakhwa, APP for Respondent – State.
- Mr. Manoj Mohite, Senior Advocate a/w. Mr. Akash Kavade, Mr. Abhijeet Aware and Mr. Samay Pawar, Advocates for Intervenor.
- PSI – Mr. Dipak Nikam, Talegaon Dabhade Police Station, Pune.

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CORAM : MILIND N. JADHAV, J.

DATE : NOVEMBER 02, 2026.

P.C.:

1. Heard Mr. Gupte, learned Senior Advocate for Applicant; Mr. Nakhwa, learned APP for Respondent – State and Mr. Mohite, learned Senior Advocate for Intervenor.

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2. An Intervention Application is filed by First Informant to implead Intervenor as Respondent No.2 to the present Application. By way of this order the Intervenor has been heard at length and therefore the Intervention Application is also decided by this order. Applicant has surrendered and is in custody.

3. Present Criminal Application is filed to challenge and set aside order of cancellation of bail dated 01.10.2026 passed below Exhibit 283 by Sessions Court and seek restoration of previous bail order dated 04.04.2024 in the facts and circumstances of the present case. Applicant is 65 years old. He is indicted as accused person in the offence of murder of a social activist which occurred on 12.05.2023 in broad daylight. Charge against Applicant is based on circumstantial evidence. FIR is registered on 12.05.2023 against 7 persons which includes 3 unknown persons. Primary charge against Applicant is of conspiracy. Charge-sheet is filed on 09.08.2023. By order dated 04.04.2024 Applicant was granted bail by Sessions Court. By further order dated 20.11.2024 bail conditions were relaxed permitting Applicant to enter the jurisdiction of Sessions Court, Vadgaon. Both these orders are appended to the Application. I have perused them with the able assistance of the learned Advocates for both the sides having relied upon them during the course of their submissions. Record also shows that grant of bail previously was challenged by the Complainant in this Court by filing Criminal Application No.127 of

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2024, however the same was withdrawn on 21.11.2024. This order is appended at page No.1219.

4. Thereafter prosecution filed application for Cancellation of Bail before this Court which was comprehensively and with a reasoned speaking order dismissed by this Court on 20.08.2025. Copy of this order is appended at page No.1220 Special Leave Petition was filed before Supreme Court against the aforesaid order which was dismissed on 12.01.2026. Copy of Supreme Court order is at page No.1277. In the meanwhile trial has commenced and 5 out of the prosecution cited 91 witnesses have been examined.

5. Mr. Mohite, learned Senior Advocate appearing for First Informant - Complainant mother of deceased victim opposes the Application by arguing that the witnesses who have deposed were threatened by the Applicant and therefore Applicant has violated the essential bail condition regarding influencing the witness and tampering with evidence. This is the sole reason for opposing bail. He would submit that Applicant along with other co-accused persons hatched conspiracy to commit the murder of the victim. He would submit that there was political enmity between the family of one Sudhakar Shelke and victim as the former disliked the rising popularity of victim as a social activist and harboured a grudge against him. He would submit that investigation has revealed involvement of Applicant

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in the conspiracy along with the other co-accused persons.

5.1. He would submit that First Informant lodged FIR bearing CR No. 233 of 2023 on 12.05.2023 and thereafter approached this Court by filing Writ Petition No. 3860 of 2023 seeking transfer of investigation on account of several lapses in the investigation. He would submit that this Court by order dated 02.02.2026 stayed the proceedings before the Sessions Court and subsequently upon being apprised of threats being administered to the prime witnesses with an intention to influence them and turn them hostile, vacated the stay by order dated 16.07.2026 and directed prosecution to examine the prime witnesses. He would submit that this Court, by order dated 06.10.2026, directed the Investigating Agency to file a detailed affidavit of the Chief of SIT regarding the lapses in investigation.

5.2. He would submit that Applicant was initially released on bail by the Sessions Court upon furnishing a P.R. Bond of Rs.10,00,000/- with solvent sureties and subject to stringent conditions including that he would not threaten or pressurise the witnesses or hamper the investigation. He would submit that Applicant thereafter sought relaxation of bail conditions and Sessions Court, by order dated 28.11.2024, relaxed the condition restraining him from entering the jurisdiction of the Court, while directing him to remain present whenever called by the Investigating Officer. He would submit that

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Applicant however has attempted to influence and threaten the prime witnesses. He would submit that the prosecution therefore filed Application seeking cancellation of his bail and the Sessions Court, by order dated 01.10.2026, cancelled the bail of Applicant upon recording a finding that he had violated the bail conditions by threatening and attempting to influence the prime witnesses.

5.3. He would submit that the allegations of witness intimidation are supported by the affidavits and depositions of 4 prime eye-witnesses to the crime who have disclosed that they were threatened and pressurised not to depose against the assailants. He would submit that 1 witness was granted protection by the Sessions Court vide order dated 23.01.2026 and other witnesses also expressed apprehension regarding threats being administered to them. He would submit that another eye-witness specifically deposed before the Sessions Court that Applicant and other accused persons attempted to influence him and threaten him. In support of his aforesaid submissions he has referred to and relied upon the ratio in the decision of the Supreme Court in ***Phireram Vs. State of Uttar Pradesh and Another***[1]***.***

5.4. He would submit that CCTV footage is recovered from the residence of Applicant which is supported by CA report, which clearly establishes the presence and visit of the alleged assailants at Applicant's residence prior to the incident and thereby this constitutes

1 2025 SCC OnLine SC 1915

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an important link concerning the conspiracy. He would submit that the conduct of Applicant demonstrates his capacity and inclination to interfere with the course of justice and cancellation of bail by the Sessions Court is justified in the interest of justice. He would therefore submit that the present Application deserves to be rejected in view of the gravity of the offence and Applicant's conduct of threatening and influencing material prosecution witnesses.

6. Learned APP, Mr. Nakhwa for the State informs Court after taking instructions that only 34 more witnesses shall be examined at trial. He adopts the submissions advanced by Mr. Mohite on behalf of Complainant. He would submit that Applicant has not only been implicated in the alleged conspiracy but has also misused the liberty granted to him by attempting to threaten and influence the material prosecution witnesses. He would submit that conduct of Applicant constitutes a deliberate interference with the administration of justice and creates a serious apprehension that the remaining witnesses may also be intimidated if he is enlarged on bail. He would submit that the Sessions Court, after considering the material on record and instances of violation of bail conditions, has rightly cancelled the bail granted to Applicant. He would therefore submit that no interference is warranted with the impugned order and the present Bail Application deserves to be dismissed.

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7. Mr. Gupte, learned Senior Advocate appearing on behalf of Applicant would submit that Applicant is arraigned as Accused No. 8 and Applicant's name does not find mention in the original FIR lodged by the First Informant. He would submit that his implication arose subsequently during the course of investigation based on the allegation of conspiracy. He would submit that chargesheet has been filed, trial has commenced and Applicant was taken in custody on 04.07.2023, and the learned Additional Sessions Judge, Vadgaon Maval, Pune, granted him bail on 04.04.2024.

7.1. He would submit that prosecution had earlier preferred Criminal Application No. 405 of 2024 seeking cancellation of bail granted to Applicant, which came to be dismissed by this Court (Coram: Ashwin D. Bhobe, J.) vide order dated 20.08.2025. He would submit that First - Informant thereafter challenged the said order before Supreme Court by filing SLP (Crl.) No. 689 of 2026, which was dismissed by order dated 12.01.2026. He would submit that despite the aforesaid orders affirming Applicant's grant of bail, prosecution once again filed Application below Exhibit 283 on 25.03.2026 seeking cancellation of bail on substantially similar allegations, without bringing any fresh cogent or independent material on record.

7.2. He would submit that principal ground urged by prosecution and Complainant for cancellation of bail is that Applicant has

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threatened and influenced the prosecution witnesses. He would submit that those witnesses are persons associated with the political party founded by the victim and headed by the First Informant Complainant – mother of the victim and their statements therefore require careful scrutiny before being relied upon for cancellation of bail as this is a case of political venegeance and fallout. He would submit that the prosecution has not placed any independent or corroborative material to substantiate the allegations of threats or inducement and mere allegations of tampering with witnesses and evidence are vague and bereft of particulars regarding the exact date, time, place and manner of any alleged incident. He would submit that the independent witness Mr. Harishchandra Bhosale has categorically denied any threat or inducement by Applicant or his representative, which material has not been appreciated by Trial Court.

7.3. He would submit that Trial Court has also failed to consider the affidavit of Mr. Sameer Dabhade, wherein it is alleged that PW-3 Mr. Akash Jagtap was pressurising him financially, thereby raising serious doubts regarding the credibility and independence of the allegations made by the prosecution witnesses. He would submit that the Trial Court has failed to consider the relevant depositions and material already forming part of the record and has proceeded merely on the basis of unsubstantiated allegations made by interested witnesses. He would submit that the mere filing of successive

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applications seeking cancellation of bail cannot be permitted to defeat the liberty granted to Applicant, particularly when the earlier cancellation proceedings initiated by the State and the challenge preferred by the First Informant before the Supreme Court have been unsuccessful. He would submit that the subsequent Application is nothing but an attempt to secure the same relief on substantially identical grounds.

7.4. He would submit that Applicant is a senior citizen and businessman having a permanent residence and established business at Talegaon and has duly co-operated with the investigating agency as well as the proceedings before the Trial Court. He would submit that there is no material to indicate that Applicant is likely to abscond, tamper with the evidence or obstruct the course of trial and he is also ready and willing to abide by any stringent conditions that may be imposed by this Court. He would submit that the impugned order dated 01.10.2026 passed by the learned Additional Sessions Judge, Vadgaon Maval, Pune, cancelling the bail granted to Applicant suffers from serious errors in appreciation of the material on record and warrants interference of this Court. He would therefore submit that the present Application deserves to be allowed in the interest of justice.

8. I have heard, Mr. Gupte, learned Senior Advocate for Applicant; Mr. Nakhwa, learned APP for Respondent – State and Mr.

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Mohite, learned Senior Advocate for Complainant – First Informant - Intervenor and with their able assistance perused the record of the case placed before me. Submissions made by learned Advocates at the bar have received due consideration of Court.

9. At the outset, it is seen that the Applicant is arraigned as Accused No. 8 in the present crime and his implication primarily arose during the course of investigation on the allegation of conspiracy. It is seen that the FIR lodged by First Informant does not name Applicant. *Qua* the role attributed to Applicant, it is seen that the prosecution case is sole based on circumstantial evidence and there is no direct evidence demonstrating his participation in the actual commission of the alleged offence or for that matter any specific incident alleging conspiracy. The material relied upon by the prosecution, particularly CCTV footage and alleged presence of certain accused persons at residence of Applicant prior to incident, may at the highest establish their visit to Applicant's residence. However, merely because certain witnesses or accused persons are allegedly seen entering or coming out of Applicant's residence, the same by itself would not be sufficient to conclusively establish his involvement in the alleged conspiracy at the threshold. That would be a matter of trial. The circumstances relied upon by prosecution would have to be established through admissible evidence during the course of trial only.

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10. It is seen that Applicant is alleged to have been implicated principally on the basis of suspicion arising from his alleged association with the other accused persons. The material presently placed on record does not disclose any direct overt act attributable to Applicant in commission of the offence. In my considered opinion alleged conspiracy is a matter which would have to be established by the prosecution by proving the complete chain of circumstances at trial. At this stage, I am conscious of the seriousness of the offence and the fact that victim was a social activist who was allegedly murdered in broad daylight. However, gravity of the offence by itself cannot be the sole consideration for depriving an accused of his liberty, particularly when prosecution case against him rests solely upon suspicion and circumstantial evidence. The Court is required to examine the individual role attributed to Applicant and the *prima facie* material demonstrating his alleged involvement rather than proceed merely on the basis of the gravity of the crime. However, there is more such material.

11. With regard to allegations of threatening and influencing prosecution witnesses, I find that the same are required to be examined with due circumspection considering that Applicant is a high profile ex-legislator and a political figure. The allegations are principally founded upon statements and affidavits of witnesses belonging to the political party of Complainant – mother of victim who

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are alleged to have been threatened by Applicant. The material on record also indicates that there exists political rivalry between the victim's family and persons associated with rival political group close to the Applicant. First Informant is mother of victim and is also associated with the political organisation founded by victim himself. I do not propose to make any final or concrete observations regarding credibility of the witnesses' statements or genuineness of the allegations made therein. However, in the backdrop of the existing political rivalry, possibility of the allegations being influenced by such rivalry cannot be completely excluded at all. The statements of interested witnesses, without sufficient independent corroboration, would require careful scrutiny. The affidavit of Mr. Sameer Dabhade and the material concerning the alleged financial pressure exerted upon him by PW-3 Mr. Akash Jagtap also cannot be ignored and swept under the carpet when it is on record. The learned Trial Court ought to have considered the entire material in its proper perspective before arriving at the conclusion that Applicant had deliberately breached conditions of bail when it is a case of word against word.

12. I find considerable substance in the submission that the earlier proceedings seeking cancellation of bail have already been considered by this Court. By a well reasoned order dated 20.08.2025, this Court (Coram: Ashwin D. Bhobe, J.) rejected the application filed by prosecution seeking cancellation of bail of Applicant after

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considering the allegations and material placed on record. The said order was thereafter challenged by First Informant before the Supreme Court by filing SLP (Crl.) No. 689 of 2026, which came to be dismissed on 12.01.2026. It is significant that the earlier order of this Court had examined the grounds urged for cancellation of bail and had assigned substantial reasons for rejecting the same. The Trial Court, while passing the impugned order, was therefore required to examine whether any fresh and cogent material or supervening circumstances had subsequently emerged warranting cancellation of bail. The power to cancel bail cannot be exercised mechanically or merely because the prosecution seeks reconsideration of grounds which have already been considered by a superior Court solely on the basis of pressure on the prosecution to do so which is *prima facie* seen in the present case.

13. At this stage, it is also necessary to consider that the Applicant is aged and 65 years old and has a permanent residence and established business at Talegaon. He has deep roots in Society. The chargesheet has already been filed and the trial has commenced. Out of the 91 witnesses cited by prosecution, only five (5) witnesses have been examined as reflected from record. Applicant has remained on bail pursuant to the order dated 04.04.2024 and there is no material placed before me to demonstrate that he has attempted to abscond or evade the process of law. Rather he has shown his *bonafides* and surrendered, despite this Application being filed in this Court and in

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which he could have sought interim relief, but I am told that the Application though having listed could not reach hearing earlier and as usual prosecution swung into action and sought his custody and he surrendered. Though the prosecution has expressed apprehension that the Applicant may influence the remaining witnesses, such apprehension must be supported by cogent material and cannot rest merely on general allegations which in my opinion are *prima facie* politically motivated when read from the witness statements recorded. The said apprehensions can be taken care of by imposing stringent conditions on Applicant. However the Court cannot lose sight of the fact that cancellation of bail has serious consequences upon the personal liberty of an accused. In the absence of satisfactory material establishing deliberate misuse of liberty or interference with the administration of justice, cancellation of bail would not be justified.

14. I am of the considered view that the Sessions Court has failed to appreciate the distinction between the considerations governing grant of bail and those governing its cancellation. Once bail has been granted, the same cannot be cancelled merely upon a different appreciation of the material which was already available or on the basis of unsubstantiated apprehensions. There must be cogent circumstances demonstrating that the accused has misused the liberty granted to him or that his continued release would prejudice the fair conduct of trial. The impugned order does not adequately demonstrate

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such circumstances. The Trial Court has failed to properly consider the earlier reasoned order passed by this Court on 20.08.2025 and the subsequent dismissal of the challenge by the Supreme Court. In my considered opinion, the material relied upon by prosecution does not justify the drastic consequence of cancellation of bail. Nevertheless, the apprehensions expressed by prosecution and the Intervenor can be adequately addressed by imposing stringent conditions upon Applicant to ensure that the witnesses are not threatened or influenced in any manner. Though submissions are advanced on the issue of witness protection program/plans, I have given it due thought and consideration and I am of the opinion that this is not a case where I need to invest myself in view of the facts in this case. May be in some other relevant and deserving case the same can be gone into by the Court.

15. In view of the aforesaid *prima facie* observations and findings and having regard to the nature of the evidence, the role attributed to Applicant, the absence of direct evidence and the fact that earlier application seeking cancellation of bail was rejected by this Court by a well reasoned order, I find that the impugned order dated 01.10.2026 passed by the Additional Sessions Judge, Vadgaon Maval, Pune, below Exhibit 283, is unsustainable in law and warrants interference by this Court. The said order dated 01.10.2026 is therefore quashed and set aside and Application below Exhibit '283' is

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dismissed.

16. In the above facts and circumstances Applicant is therefore entitled to bail subject to stringent conditions to protect the prosecution witnesses and ensure an unhindered trial. Applicant is released on bail on the following conditions:-

(i) Applicant is directed to be released on bail and is directed to furnish P.R. Bond of Rs.1,00,000/- (Rs. One Lakh only) with one or two sureties in the like amount;

(ii) Applicant shall cooperate with the conduct of the trial and remain present before the Trial Court on all dates, unless specifically exempted. Applicant shall not seek unnecessary adjournments. Any such conduct shall entitle the prosecution to apply for cancellation of bail;

(iii) Applicant shall not enter the jurisdiction of the Wadgaon – Maval Sessions Court until the conclusion of trial except for attending the Court hearing on the hearing dates;

(iv) Applicant shall not influence any of the witnesses or tamper with the evidence in any manner;

(v) Applicant shall keep the Investigating Officer informed of his current residential address and mobile telephone

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number and shall forthwith inform the Investigating Officer of any change in his residential address or mobile telephone number, as and when such change occurs; and

(vi) Any breach or infraction of any of the aforesaid conditions shall entail cancellation of the bail granted to the Applicant.

17. It is clarified that the observations made in this order are limited for the purpose of granting bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made hereinabove in this order.

18. Criminal Application No.2039 of 2026 is allowed and disposed. Accordingly Interim Application No.3665 of 2026 is also disposed.

[MILIND N. JADHAV, J.]

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