

CASE NO.:
Appeal (crl.) 335 of 2008

PETITIONER:
KALIRAM & ORS.

RESPONDENT:
STATE OF M.P. & ANR.

DATE OF JUDGMENT: 18/02/2008

BENCH:
P.P. Naolekar & Lokeshwar Singh Panta

JUDGMENT:
JUDGMENT

O R D E R
(ARISING OUT OF SLP (CRIMINAL) NO.4672 OF 2007)

Leave granted.

Heard learned counsel for the parties.

In the facts and circumstances of the case, the High Court was not right in cancelling the bail in a Miscellaneous Criminal Case filed by some other accused persons particularly so when the State has neither moved an application for cancellation of the bail of the accused-appellants before the Sessions Court nor has preferred revision before the High Court for cancellation of the same. This Court has held in *Raghubir Singh and Others vs. State of Bihar*, (1986) 4 SCC 481 that bail can be cancelled where the accused (i) misuses his liberty by indulging in similar criminal activity, (ii) interferes with the course of investigation, (iii) attempts to tamper with evidence or witnesses, (iv) threatens witnesses or indulges in similar activities which would hamper smooth investigation, (v) there is likelihood of his fleeing to another country, (vi) attempts to make himself scarce by going underground or becoming unavailable to the investigation agency, (vii) attempts to place himself beyond the reach of the sureties, etc.

For the aforesaid reasons, we set aside the impugned order of the High Court whereby the bail of the accused-appellants has been cancelled. The accused-appellants shall be released on bail on their furnishing personal bonds in the sum of Rs.25,000/- each with one surety of the like amount to the satisfaction of the Sessions Court. We, however, make it clear that it will be open for the State to move an appropriate application before the Sessions Court for cancellation of the bail granted to the accused-appellants which shall be considered on its own merits.

The appeal stands disposed of accordingly.