



SPECIAL CASE NO. 414 OF 2020

...Complainant.

Versus

...Accused No.8.

Appearances:-

SPP Mr. Prakash Shetty for the NIA.

Accused No.8 in person.

**CORAM : HHJ SHRI. CHAKOR S. BAVISKAR,
(COURT ROOM NUMBER 25)**

DICTATED AND PRONOUNCED THE ORDER IN OPEN COURT
ON 29th AUGUST, 2026

In short by moving this application, NIA/prosecution requests this Court to cancel the bail granted to this accused *vide* order of the Hon'ble Supreme Court of India in Criminal Appeal No. 639 of 2023 with Criminal Appeal No. 640 of 2023, both dated 28.07.2023. According to NIA/prosecution, pursuant to the order of the Hon'ble Supreme Court, this Court on 31.07.2023 allowed application of this accused and while releasing him on bail, this Court *inter alia* imposed condition that 'He shall not try to contact or communicate with co-accused or any other person involved in similar activities'.

2. According to the NIA/prosecution,

This accused alongwith other co-accused attended and actively participated in a meeting/gathering held on 19.01.2026, at the terrace of Mumbai Press Club, Mumbai, with intention of propagating ideology of the proscribed organization CPI (Maoist) and to deliberate upon future course of action for spreading “Urban Naxal” movement, which constitutes a direct threat to the integrity, sovereignty and security of the nation. Copy of the Inquiry Committee Report of Mumbai Press Club and Pendrive of CCTV footage of the said gathering/meeting respectively Annexure-A and Annexure-B, are also placed on record of this Court alongwith this application. This conduct of present accused demonstrates a blatant and willful disregard for the orders passed by this Court and passed by the Hon’ble Supreme Court and reflects a complete lack of respect for judicial process. Such conduct not only undermines the authority of this Court, but also poses a serious threat to the maintenance of law and order, thereby warranting appropriate judicial intervention and hence, NIA/prosecution requests this Court to cancel the bail granted to the accused and also prays for immediate arrest of the accused.

3. Strong contesting Say Exh. 1421-B is filed on behalf of this accused No. 8, wherein it is contended (from paragraph Nos. 3/1 to 3/3 of this order) as follows.

3/1. The defendant/accused No. 8 denies the allegations made against him. Claim and contentions of the prosecution are baseless. The *ipse dixit* statements must be disregarded by the Courts. The allegations are bald without any sound basis. The list of calls and

messages In and OUT clearly indicates that, there were no calls or messages to or from this or any co-accused. Hence, there is no violation of any bail condition whatsoever.

3/2. In the alleged meeting at the Mumbai Press Club, what was discussed was prison life of prisoners, future course of action of Gautam Navlakha subsequent to his shifting to Delhi, the manner in which the case shall proceed against one of the accused Gadling and his prospects of release and his prevailing health conditions in prison. This accused did not invite any other accused. This accused even did not have knowledge about the other co-accused being invitees for that meeting/gathering. This accused did not at all try to contact or communicate with co-accused or any other person involved in similar activities. All the allegations of the NIA are denied.

3/3. Discretion of passing order of cancellation of bail has to be exercised with great care and circumspection and ought not to be done in a mechanical manner. It is a harsh step which interferes with liberty of an individual and hence, must not be lightly resorted to. This accused has never misused the liberty since after release on bail. Hence, application of the prosecution be rejected.

4. Perused application Exh. 1421. Perused contesting Say/reply Exh. 1421-B. Perused the entire record. Heard the Ld. advocates appearing in this matter at utmost sufficient length.

5. Following points arise for my consideration and I record my findings on them for the reasons to follow as under.

POINTS**FINDINGS**

1. Whether bail granted to the accused is required to be cancelled, as prayed for?
2. What order ?

... In the negative.

...With warning to the accused, this application stands rejected.

R E A S O N S

6. Before discussing the facts alleged and admitted in the application and the Say/Reply, it would be proper on my part to remind myself with the legal propositions settled through Case Laws. Rejection of bail when bail applied for is one thing and cancellation of bail already granted, is quite another. It is easier to reject a bail application in non-bailable case than to cancel a bail already granted in such a case. Cancellation of bail necessarily involves the review of the decision already made and can by and large be permitted only if, by reason of supervening circumstances, it would be no longer conducive to a fair trial to allow the accused to retain his freedom during the trial.

7. Very cogent and overwhelming circumstances are necessary for an order directing 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 about possibility of the accused absconding is yet another reason justifying the cancellation.

8. If the prosecuting agency is concerned with the commission of repeated offences by the same accused, there are ample statutory provisions available to initiate appropriate proceedings for subjecting the accused to preventive detention. The stipulations contained in Section 437(5) and 439(2) of the Cr.P.C. cannot be treated as a substitute for preventive detention law. The legislature has brought into force, various enactments to enable the authorities concerned to keep the persons involved in repeated crimes under preventive detention, despite the stipulations in 437(5) and 439(2) of the Cr.P.C.

9. Moreover, there are no provisions in the Cr.P.C. which directly and specifically deal with the cancellation of bail and instead, the power is given to the Court as per sections 437(5) and 439(2) to direct the person already released on bail, to be arrested and committed to prison, if the Court considers necessary to do so. When the Court orders the rearrest of a person already released on bail, it would automatically have the effect of cancellation of the bail granted earlier. Therefore what is relevant is not a mere violation of the bail condition, but the satisfaction of the Court that 'it is necessary to do so'.

10. It is pertinent to note that, in this application for cancellation of bail, the NIA/prosecution is not alleging commission of any similar offences as alike alleged against the accused in the charge-sheet in this case. What the NIA/prosecution alleges is just breach of bail condition, as above. It is also pertinent to note that, the accused is not denying presence at the gathering on 19.01.2026 at the terrace of the Mumbai Press Club. Even it is admitted by the accused that, certain facts such as prison life of prisoners, future course of action of co-

accused were discussed. Again, it is not even the case of the NIA/prosecution that, this accused or any other co-accused in this case had invited the gathering. It is not even alleged that, this accused was aware of the fact that, other co-accused was/were also invited in the gathering.

11. By moving this application for cancellation of bail, the NIA /prosecution alleges that, the said gathering was convened with intention of propagating the ideology of the proscribed organization CPI (Maoist) and to deliberate upon the future course of action for spreading the “Urban Naxal” movement, which constitutes a direct threat to the integrity, sovereignty and security of the nation.

12. However, to support these contentions of the prosecution/NIA as in the last forgoing para, there is nothing on record. In presence of all the concerned, including the accused, their Ld. respective Counsels and the Ld. SPP, in the open Court hall, on the big TV screen, the pendrive containing the footage of the disputed gathering is played. It is seen from start to end. No doubt, presence of the accused and of co-accused is marked in the CCTV footage. However, alongwith the accused, there appear many more persons as well, present in the gathering. No audio is available in the footage. Hence, it cannot be concluded what conversation the accused had in between. Even otherwise, if the tempo, temperament and overall mood of the function alongwith body language of the accused is any indication, it can hardly be concluded or even can be imagined that, the accused *inter se* be discussing the serious issues like ideology of the proscribed organization and to deliberate upon future course of action and such, as alleged by the prosecution/NIA in this case.

13. At the cost of the repetition, I mention that, the accused is admitting presence at the disputed gathering and even discussion on the points like, prison life of prisoners, future course of action in this case *qua* co-accused and such. However, if the prosecution specifically alleges that, the intention of the gathering was to propagate the ideology of the proscribed organization CPI (Maoist) and to deliberate upon the future course of action for spreading the “Urban Naxal” movement, which constitutes a direct threat to the integrity, sovereignty and security of the Nation, the prosecution has to establish it at least with some sort of acceptable evidence. There is no such evidence which would compel this Court to accept that, the accused with these specific intentions had gathered over there with co-accused.

14. True that, this accused and even some of the accused in this case had admittedly gathered in that function dated 19.01.2026, held at the terrace of the Mumbai Press Club. So far as this case is concerned, certainly all the accused are alleged to be involved in similar activities, as per the prosecution. However, again there is nothing to conclude merely by their presence that the accused attended the gathering for ‘similar activities’. Again at the cost of repetition, I mention that, there is nothing on record to show that, this or any other co-accused took initiative to arrange that meeting/gathering dated 19.01.2026. There is no evidence on record to show that, this or any other accused contacted or communicated with each other soon before and after of and for the meeting/gathering dated 19.01.2026.

15. Certainly, on 19.01.2026 at the terrace of the Mumbai Press Club, the accused and co-accused alongwith other invitees had gathered. Axiomatically and but naturally, they might have talked i.e. communicated with each others. It is but human that, they even might have talked about this case, facts of this case, fate of co-accused and such related issues. By that alone, it cannot be concluded that, they committed breach of the condition imposed, that 'the accused shall not come in contact or communicate with co-accused or any other person involved in similar activities'.

16. Because, even on the dates of this case in the Court, the accused meet each others in the Court hall and certainly outside the Court hall. There also, the accused certainly be talking to each others, having contacts and communications with each others. That time also, the accused be discussing the facts and fate of the accused and co-accused as well. By that, they cannot be said committing any breach of that specific bail condition, as above. Hence, merely because a venue of the meeting/gathering of the accused changed, they cannot be said to have committed breach of the bail condition, as above and as alleged.

17. The intention behind imposing the above specific bail condition has to be taken into account i.e. the accused should not contact or communicate with co-accused to be involved (again) in similar activities i.e. similar to the offences alleged in this case and should not indulge in any similar or other offences as such, as alleged in this case. *Sans* any evidence to that effect, certainly, mere gathering of the accused falls short to conclude that, the bail condition is breached.

18. Nevertheless, as a matter of caution, since the accused was well aware of the bail condition imposed as above, seeing other accused to have gathered at that function dated 19.01.2026, at the terrace of Mumbai Press Club, to avoid further complications, the accused could and should have recused from there without being indulged in further function and avoid possibility of inviting such application for cancellation of bail. The accused is expected to take proper care and caution even to avoid possibility of committing breach of any of the bail conditions. With this, I proceed to pass following order.

ORDER

This application Exhibit-1421 for cancellation of bail hereby stands rejected with the cautionary warning as above.



Date : 29.08.2026.

(CHAKOR SHRIKRISHNA BAVISKAR)

Special Judge
for the cases under the NIA
City Civil and Sessions Court,
Court Room No. 25
Gr. Mumbai.

Dictated on : 28.08.2026.
Transcribed on : 28.08.2026.
Signed on : 29.08.2026.

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL
SIGNED JUDGMENT/ORDER”

UPLOAD DATE	TIME	NAME OF STENOGRAPHER
29.08.2026	03.55 p.m.	Aparna V. Lele (Grade I)
Name of the Judge		HHJ SHRI CHAKOR S. BAVISKAR (CR No.25)
Date of Pronouncement of Judgment/Order.		29.08.2026
Judgment/order signed by PO on		29.08.2026
Judgment/order uploaded on		29.08.2026