REPORTABLE

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

STATE OF U.P. V. MOHD. IQRAM (2011)

BENCH: Mr. Justice P. Sathasivam & Dr. Justice B.S. Chauhan **DECIDED:** August 12, 2011

RATIO DECIDENDI & PRECEDENTIAL CRUX:
Cancellation of bail requires demonstration of post-bail misconduct or perversity; rejection of bail stands on a different footing than cancellation.

1. Factual Matrix & Background:

The accused was granted regular bail by the High Court in a case involving serious offences. The State moved the Supreme Court seeking cancellation of bail under Section 439(2) CrPC, arguing that the gravity of the offence did not justify bail.

2. Substantive Legal Questions Framed:

What are the legal principles governing the cancellation of bail under Section 439(2) CrPC as distinguished from opposing an initial grant of bail.

3. Analysis & Ratio Decidendi:

The Supreme Court held that rejection of bail at the initial stage stands on an entirely different footing from cancellation of bail already granted. Bail once granted can be cancelled only on supervening circumstances such as tampering with evidence, threatening witnesses, fleeing from justice, or where the original order was perverse and passed without considering mandatory statutory provisions.

4. Principles Enunciated:

- 1. Rejection of bail and cancellation of bail operate under distinct legal parameters.
- 2. Cancellation requires cogent proof of post-release misconduct or patent perversity.
- 3. Liberty once granted cannot be stripped away lightly without strong evidentiary grounds.

5. Practical Litigation Implications:

- In opposing bail cancellation petitions, show that the accused has complied strictly with all bail conditions, attended all trial dates, and never approached any witness.

.....J.
[SUPREME COURT BENCH]

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