

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders and Registrar's	Office Coram,	Court's or Judge's orders.
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CRIMINAL APPLICATION NO. 184 OF 2014
WITH APPLN/1327/2014

SARIKA @ POOJA ANIL AUTI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Bhide Vinod Y.
APP for Respondent: Mr. A. V. Deshmukh.
Advocate for Respondent No.2: Mr. Temkar Rajendra K.

CORAM: T. V. NALAWADE, J.
DATED: 6th FEBRUARY, 2015.

PER COURT:

1. Both the applications are filed under section 439 (2) of Criminal Procedure Code for cancellation of anticipatory bail granted by learned District Judge, Sangamner in Criminal Miscellaneous Application No.183 of 2013.
2. In the crime, registered for offence under section 498A, 406, 34 etc. of I.P.C. the relief of anticipatory bail is granted to the respondent No.2, who is working as Police Constable in Mumbai.
3. Though notice is not served in the second

proceeding, filed by the State, this application was also heard as the fate of the first proceeding would decide the fate of the second proceeding also. Learned A.P.P. was allowed to argue in the first proceeding to support original complainant.

4. The present applicant - wife of the Respondent No.2, from the first proceeding, was given in marriage to the Respondent on 29th November, 2012. There are allegations that there was harassment to the complainant from the husband and his relatives. They were asking her to bring ornaments etc. from her parents. The parents had given the ornaments and they had given gold idol of Ganpati also. Due to the dispute, she had started living separate from the husband for some time and then compromise had taken place. She had then cohabited with the husband at Mumbai, at the place of service of the husband. She has made allegations that the husband deserted her and returned to the parents house and so she was required to approach the police. She contended that her ornaments are with her husband and relatives.

5. Learned counsel for the original complainant submitted that the learned Additional Sessions Judge

ought to have considered the allegation that the ornaments are with the husband. He drew attention of this Court to remand papers in which it is mentioned that the ornaments are with the husband. The record shows that on many occasions, different allegations were made by the present applicant. On the first occasion, in complainant given to the Deputy Commissioner of Police she had not made allegations that there was illegal demand from the side of the husband and his relatives. She had contended that her ornaments were sold as his husband was in need of money for giving treatment to the relative of his family. The record shows that the ornaments were pledged by the husband with one cooperative institution on 19th December, 2012 and loan was taken, when the complainant was cohabiting with him. In view of the above, it cannot be said that the custody of the respondent accused was necessary for the purpose of investigation. It appears that police custody remand was granted against the relatives of the husband by learned J.M.F.C. Nothing could be recovered during custodial interrogation.

6. Cancellation of bail is a serious matter. In view of aforesaid circumstances and different stands taken by

the applicant on different occasion, this Court holds that this is not a fit case to no interference in the order made by the learned Additional Sessions Judge.

7. Both the applications stand rejected.

[T. V. NALAWADE, J.]

Dt.06/02/2015
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