

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 204 OF 2015

Chhagan Bhaga Rathod

.... **APPLICANT**

V E R S U S

Gorakh Pandurang Salunkhe & Ors.

.... **RESPONDENTS**

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Mr. D.B.Thoke, Advocate for Applicant.

Mr. N.S.Desale, Advocate for R – 1 to 3.

Mr. N.B.Shinde, A.P.P. for R – 4 State.

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CORAM : V.M.DESHPANDE, J.

DATE : 20th MARCH, 2015

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PER COURT :

1. Heard Mr. D.B.Thoke, the learned counsel for the applicant, Mr. N.S.Desale, the learned counsel for respondent Nos. 1 to 3, and Mr. N.B.Patil, the learned A.P.P. for respondent No. 4 – State.

2. This is an application u/s 439 (2) of the Code of Criminal Procedure for cancellation of anticipatory bail

granted by the learned Additional Sessions Judge, Jalgaon on 31/12/2014 in favour of respondent Nos. 1 to 3.

3. The learned counsel for the applicant vehemently urged before this Court that the learned Additional Sessions Judge has failed to consider the seriousness of the offence and also due to the situation created by respondent Nos. 1 to 3, applicant's son deceased Umesh was required to jump in front of the railway and commit suicide.

4. The First Information Report [For short, F.I.R.] is lodged on 07/12/2014. The date of the suicide is dated 11/11/2014. According to the first informant/present applicant, he received information through post on 15/11/2014 containing the chit which is termed as 'suicidal note'. Thus, it is very clear that the F.I.R. is lodged after the lapse of 22 days, after the receipt of the 'suicidal note' through post. Further, there is nothing available on record at the time of decision of the present Criminal Application to show that the applicant has received the said chit through post.

5. The learned trial Court has considered the aspect on merit while granting anticipatory bail in favour of the present applicant. According to me, custodial presence of the applicant is not at all necessary. The discretion exercised by the Court below is not perverse warranting any interference by this Court at this stage. Further, it is not the case of the applicant that respondent Nos. 1 to 3 have mis-used the liberty granted to them by the learned Additional Sessions Judge.

6. In that view of the matter, present Criminal Application is merit-less and is dismissed.

[V.M.DESHPANDE, J.]

KNP/Cr.Apln. 204.2015