

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 272 OF 2015

Sunita w/o. Jagdish Kamble **....Applicant.**

Versus

The State of Maharashtra & Ors. **....Respondents.**

Mr. A.B. Dhongade, Advocate for applicant.

Mr. A.V. Deshmukh, APP for State.

Mr. M.G. Biradar h/f. Mr. P.R. Katneshwarkar, Advocate for
respondent Nos. 2 to 5.

CORAM : T.V. NALAWADE, J.
DATED : 11th March, 2015.

ORDER :

1. The application is filed under section 439 (2) of Cr.P.C. for cancellation of bail granted by the learned Additional Sessions Judge, Basmath in C.R. No. 90/2014 registered at Kurunda Police Station for offences punishable under sections 306, 498-A r/w. 34 of I.P.C. Both the sides are heard.

2. The crime was registered on the basis of report given by one Sunita Kamble. Deceased Sheela was her sister. Sheela was given in marriage to son of respondent No. 2 - Shantabai. The other respondents are relatives of husband of deceased.

Husband is not made respondent. Allegations are made that there was illtreatment to the deceased from the present respondents. Allegations are made that she had not conceived and on that count, illtreatment was given to her. Allegations are made that respondents were asking her to bring Rs. 30,000/- from her parents and on that count also, there was illtreatment. She consumed poison on 27.9.2014 and she died on 3.10.2014.

3. The learned counsel for applicant has placed some record like complaint which was made to Grievance Redressal Forum. During her lifetime, undertaking was given to behave well by the husband. He has also produced other reports given after getting the order of bail by the respondents. Allegations are made that they attempted to tamper the prosecution witnesses. The record shows that the respondents were arrested and they were behind bars for more than seven days when Sessions Court granted bail. The death took place after more than 13 years from the date of marriage and there is no suicide note. In view of the aforesaid circumstances, any Court would have granted bail to the respondents. Cancellation of bail is a serious matter and it can be done in exceptional cases only. To take care of the apprehension of the applicant that respondents may tamper the prosecution witnesses, a condition can be imposed that they are

not to enter Basmath till the disposal of the case.

4. In the result, the application is rejected. However, respondents are not to enter Basmath, except for attending the case, till the disposal of the case and they are not to tamper with the prosecution witnesses.

[T.V. NALAWADE, J.]

ssc/