

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO. 346 OF 2015.

Rachna Manoj Tonde.

VERSUS

The State of Maharashtra & Ors.

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Appearance =>

Mr. P.K. Wagh, Advocate h/for Mr. Avinash Aghav, Advocate for the Applicant.

Mr. U.S. Mote, Additional Public Prosecutor for the State of Maharashtra.

Mr. S.B. Madde, Advocate for Non-Applicant Nos. 2 and 3.

CORAM : V.M. Deshpande, J.

DATE : 12th June, 2015.

Per Court :-

By the present application, the Applicant is seeking cancellation of anticipatory bail granted by the learned Additional Sessions Judge, Beed on 3rd December, 2014 in Cri.M.A.No.664/2014, by which the learned Judge of the court below granted the anticipatory bail in favour of Non-Applicant Nos. 2 and 3 in respect of CR No.137/14 registered with Police Station, Neknoor, District - Beed for the offences punishable under Section/s 498(A), 420, 323, 504, 506 read with 34 of the Indian Penal Code.

[2] The Applicant is the first informant. She filed First Information Report that she was ill treated and harassed by her husband and his relatives on account of fulfillment of dowry. According to the First Information Report her husband - Manoj took their son – Harshawardhan requiring her to file complaint against in -laws at Shivajinagar Police Station, Latur. First Information Report states that on 6th September, 2014 all the accused came at Khandala, Taluka & District - Beed by Safari car and gave threat for withdrawal of application for custody, which is filed in Latur Court. The allegations are that on that particular point of time, her husband – Manoj thrown pen drive on her body and stated that he had married two other ladies.

[3] Non-Applicant No.2 is the mother-in-law of the first informant; where-as Non-Applicant No.3 is her sister-in-law. According to the learned counsel for the Applicant, anticipatory bail is required to be cancelled because the Applicant was cheated. According to her, though previous marriage of Manoj was in subsistence, he has married with present Applicant. According to her, therefore, anticipatory bail granted to Non-Applicant Nos. 2 and 3 is required to be cancelled.

[4] The learned Additional Sessions Judge, Beed has taken overall view in respect of nature of the allegations made in the F.I.R. According to me, he has rightly found that matrimonial dispute between son of Non-Applicant Nos. 2 and 3 (i.e. Manoj.) and first informant is going on. Further he also noticed general nature of allegations against Non-Applicant Nos. 2 and 3. Non-Applicant Nos. 2 and 3 are women.

[4] Looking to the nature of the allegations made against them, custody of Non-Applicant Nos. 2 and 3 is not at all warranted. Further the State has also not filed application praying that custody of these two ladies required, that leads me to record my findings that no interference is necessary in the order passed by the trial court granting anticipatory bail in favour of Non-Applicant Nos. 2 and 3. Hence, Criminal Application is rejected.

(V.M. DESHPANDE, J.)