

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

CRIMINAL APPLICATION NO. 1602 OF 2014

Surpriya w/o. Narayan Gangamaslekar**Applicant.**

Versus

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

Mr. R.N. Chavan h/f. Mr. M.D. Narwadkar, Advocate for applicant.

Mrs. M.A. Deshpande, APP for State.

Mr. M.M. Joshi, Advocate for respondent Nos. 2 to 5.

CORAM : T.V. NALAWADE, J.
DATED : 25th February, 2015.

ORDER :

1. The application is filed for cancellation of bail granted to respondent No. 2 and cancellation of anticipatory bail granted to respondent Nos. 3 to 5. Applicant is wife of respondent No. 2 and applicant Nos. 3 to 5 are relatives of respondent No. 2. Crime was registered against them at C.R. No. 194/2013 in Bhagyanagar Police Station, Nanded for offences punishable under sections 498-A, 323, 506, 34 etc. of I.P.C. The relief is granted by J.M.F.C. to husband and by the learned Additional Sessions Judge to the relatives of the husband. Both the sides are heard.

2. It is allegation of applicant, wife that her marriage

with respondent No. 2 was solemnized on 9.7.2011 and in the marriage expenses were born by her father and some ornaments were given to her. It is her case that after the marriage, the husband and his cousin brother on maternal side Sanjay and wife of Sanjay started giving illtreatment to her. Allegations are made against Sudhir, elder brother of husband also. It is her case that they were asking her to bring Rs. five lakh by saying that even when the husband was Engineer and he was getting salary of more than Rs. seven lakh per year, no dowry was given. It is her case that under various pretext, they were giving illtreatment to her. It is her case that false allegation was made that she was sick and suffering from hypothyroid. Some instances of illtreatment are mentioned by her in which she was insulted by the husband and his relatives.

3. It appears that lastly they cohabited at Pune for some time. It is her case that no sufficient food was supplied to her in Pune. It is her case that she was still receiving education, but the husband was not ready to spend for education and so, her father was required to spend for her education. It is her case that in one incident of September 2012, her father was also insulted. It is her case that various complaints were given against her and relatives from parents side. It is her case that in

the last incident dated 15.8.2013 all the respondents had come to her and they had tried to pressurize her to give divorce. On the basis of report dated 5.12.2013 crime was registered. It appears that after filing of divorce proceeding by husband, she approached police.

4. The husband was arrested in the crime and regular bail is granted to him by the learned J.M.F.C. In view of this circumstance and nature of allegations relief of anticipatory bail is granted to other respondents by the learned Additional Sessions Judge. It appears that both the sides are highly educated. In view of the aforesaid nature of allegations, this Court holds that it is not desirable to interfere in the orders made by the learned J.M.F.C. and the learned Additional Sessions Judge. In ordinary course the order made by the learned J.M.F.C. ought to have been taken to Sessions Court under section 439 (2) of Cr.P.C., but that is not done and the proceeding is directly filed in this Court. Now many months have passed and nothing can be achieved by keeping these persons behind bars.

5. In the result, the application stands rejected.

[T.V. NALAWADE, J.]

SSC/