

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

CRIMINAL APPLICATION NO. 3290 OF 2014

Vyankati s/o Nagorao More

.... APPLICANT

V E R S U S

The State of Maharashtra & Ors.

.... RESPONDENTS

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Ms. Shubhangi D.More h/f Mr.K.D.Jadhav,

Advocate for Applicant.

Mrs. Pratibha Bharad, A.P.P. for R.No.1 – State.

Mr. M.M.Parghame h/f Mr.Gajanan Kadam,

Advocate for R.No. 2 & 3.

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CORAM : V.M.DESHPANDE, J.

DATE : 9th JULY, 2015

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PER COURT :

1. This is an application filed on behalf of first informant Vyankati Nagorao More u/s 439 (2) of the Code of Criminal Procedure for cancellation of anticipatory bail granted in favour of respondent Nos. 2 and 3 by the learned Additional Sessions Judge, Biloli on 16/05/2014 in Misc. Criminal Application No. 111 of 2014, by which the learned

Judge of the Court below released respondent Nos. 2 and 3 on anticipatory bail while exercising discretion u/s 438 of the Code of Criminal Procedure.

2. Heard Ms. Shubhangi D.More holding for Mr.K.D.Jadhav, learned counsel for the applicant in extenso.

3. At the out set, this Court wants to appreciate learned counsel for the applicant who is junior member of the Bar for the pains she has taken to argue the matter.

4. F.I.R. is lodged by the present applicant on 30/04/2014. First informant is working as Post Master. His daughter Manisha @ Varsha was married with respondent No. 2 Datta on 14/04/2013. Respondent No. 3 Vishwambhar is father of Datta. According to the F.I.R., at the time of marriage, Datta was not in service. However, subsequently, he could secure the service as a Teacher at village Ghungarala. F.I.R. states that Datta and his father Vishambhar demanded Rs. 2,00,000/- [Rupees Two Lacs] and 2 Tolas of Gold from the present applicant through deceased Varsha. F.I.R. further states that the respondent Nos. 2 and 3 were also causing illtreatment to Varsha, resulting into the suicide committed by her. She committed suicide by hanging.

5. Respondent Nos. 2 and 3 had filed application for anticipatory bail u/s 438 of the Code of Criminal Procedure before the learned Court below. Learned Court below vide order dated 16/05/2014 granted anticipatory bail in favour of

respondent Nos. 2 and 3. While exercising discretion, learned Judge noticed that no specific role is attributed to respondent Nos. 2 and 3 and nothing is required to be recovered from them. He also noticed that the respondent Nos. 2 and 3 have permanent roots at Manjaram. Therefore, learned trial court granted anticipatory bail in favour of respondent Nos. 2 and 3. While granting bail, learned trial Court directed that the respondent Nos. 2 and 3 shall attend concerned police station once in a week preferably on Monday in between 4.00 – 6.00 p.m. and also that they shall not tamper with the prosecution witnesses.

6. It is not the case of the present applicant that respondent nos. 2 and 3 failed to report to the police station once in a week i.e. on Monday nor there is any complaint from the Investigating Officer that the present respondent Nos. 2 and 3 have failed to observe or adhered with the said condition imposed upon them.

7. If a sufficient material is placed on record that the respondent Nos. 2 and 3 are tampering with the prosecution witnesses and thereby flouting the condition, then the application for cancellation of bail will lie before the very same Court which has granted bail on such condition.

8. In that view of the matter, this Court does not want to express anything on merit in respect of the cancellation of bail and that point is kept open for the present applicant to take appropriate steps.

9. With these observations, present Criminal Application is dismissed.

[V.M.DESHPANDE, J.]

KNP/Cr.Apln. 3290.2014