

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

CRIMINAL APPLICATION NO. 3347 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 bail granted in favour of respondent Nos. 2 and 3 by the learned Additional Sessions Judge, Biloli on 29/05/2014 in Misc. Criminal Application No. 114 of 2014, by which the learned Judge of the Court below released respondent Nos. 2 and 3 on bail while exercising discretion u/s 439 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 other family members, who are the respondents in Criminal Application No. 3290 of 2014 were also causing illtreatment to Varsha, resulting into the suicide committed by her. She committed suicide by hanging.

5. Respondent Nos. 2 and 3 were arrested. After their police custody remand was over, application for bail u/s 439 of the Code of Criminal Procedure was filed by them before the learned Court below. Learned Court below vide order dated 29/05/2014 granted bail in favour of respondent Nos. 2 and 3. While exercising discretion, learned Judge noticed that the omnibus statements are made in the F.I.R. He also noticed that the investigation was almost over and the

respondents being permanent residents of the said locality and having deep roots in the society, there was no possibility that they will not be available to the course of justice. Therefore, learned trial court granted regular 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 Wednesday in between 4.00 – 6.00 p.m. and also that they shall not tamper with the prosecution evidence.

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 Wednesday 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. What is being contended before this court by the learned counsel for the applicant is that after the bail, respondent Nos. 2 and 3 are trying to contact the applicant and trying to pressurize him. She invited my attention to page Nos. 14 to 45 of the compilation, which are in the nature of the representations made by the present applicant to the higher police authorities. In that context, it is the submission of the learned counsel for the applicant that respondent Nos. 2 and 3 have made themselves liable for cancellation of their bail.

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.]