

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

CRIMINAL APPLICATION NO. 3460 OF 2014

Kailash s/o. Babanrao Gangule

....Applicant.

Versus

The State of Maharashtra & Ors.

....Respondents.

Mr. S.S. Chapalgaonkar, Advocate for applicant.

Mr. N.B. Patil, APP for State.

Mr. B.A. Dhengle, Advocate for respondent Nos. 2 to 4.

CORAM : T.V. NALAWADE, J.

DATED : 3rd March, 2015.

ORDER :

1. The application is filed under section 439 (2) of Criminal Procedure Code for cancellation of relief of anticipatory bail granted by the learned Additional Sessions Judge, Kopergaon in Cri. Bail Application No. 173/2014. The learned Additional Sessions Judge has granted relief in a crime registered against respondents/accused for offences punishable under sections 306, 498-A, 34 of I.P.C. Both the sides are heard. The learned APP supported the application.

2. The crime is registered on the basis of report given by brother of deceased. Deceased was given in marriage to respondent No. 2 on 2.6.2013. Respondent No. 3 is father of respondent No. 2 and respondent No. 4 is brother of respondent No. 2. Allegations are made that at the time of settlement of

marriage, false representation was made that respondent No. 2 was engineer, when he was doing the centering work in Pune. Allegations are made that after the marriage, illtreatment was given by the husband to the deceased by saying that sufficient amount was not spent by the parents of deceased in marriage. Allegations are made that after few days, the deceased started disclosing that husband was taking suspicion about her character and she was made to swear in before Goddess that she had not kept such relationship. Allegations are made that on one occasion, in presence of relatives of parents of deceased, beating was given by the husband to the deceased. She started living with her parents from about three months prior to the date of incident. The leaders of the community had made an attempt to settle the dispute, but the husband has refused to take back deceased. In the house of her parents, the deceased committed suicide by setting herself on fire on 4.6.2014.

3. The material collected includes one so called suicide note left behind by the deceased and it is contended that it is in the hand writing of the deceased. The record of suicide note has different parts and one part can be said to be autobiography of the husband. In any case, in this record, there is nothing mentioned that the husband had expressed suspicion about

character of the deceased. From the contents, it can be said that she was not happy and she was feeling that husband was not loving her.

4. The learned Additional Sessions Judge has granted relief in view of the nature of aforesaid material. The submissions made show that the so called note was not sent to hand writing expert with the admitted hand writing of the deceased. The submissions made show that chargesheet is now filed. In view of these circumstances and as cancellation of such relief is serious matter and it can be done in only exceptional cases, this Court holds that it is not desirable to set aside the order of anticipatory bail made by the learned Additional Sessions Judge and cancel that relief. The learned counsel for the applicant submitted that a direction can be given to the Trial Court to expedite the matter so that the things are decided as early as possible.

5. In the result, the application is rejected. The Trial Court is expected to dispose of the case within six months from the date of receipt of this order.

[T.V. NALAWADE, J.]

SSC/