

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3166 OF 2015**[The State of Maharashtra vs Avinash Shivaji Godage and ors.]**

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or
directions and
Registrar's orders

Court's or Judge's orders

Shri V.H.Dighe, A.P.P. for applicant/State

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CORAM : V.M.DESHPANDE, J.

DATED : 6th July, 2015

PER COURT :-

1] This is an application under Section 439 (2) of the Code of Criminal Procedure for cancellation of regular bail granted in favour of non-applicant nos. 1 to 5 by the learned Additional Sessions Judge, Sangamner on 20.5.2015, by which the learned trial court granted bail while exercising his powers under Section 439 of the Code of Criminal Procedure in respect of C.R. No. 71 of 2015 for the offences punishable under Sections 498-A, 304-B, 306, 323 of the Indian Penal Code, registered at Sangamner police station, District Ahemdnagar.

2] I have heard Shri V.H.Dighe, learned Additional Public Prosecutor for the State in extenso. He submitted that the learned trial court ought not to have granted bail in favour of the non-applicants.

3] The first information report is lodged by one Deoram, who is the father of deceased Namrata @ Nalini, who was married with non-applicant no.1. Non-applicant nos. 2 and 3 are the mother-in-law and father-in-law of deceased; whereas non-applicant no.4, who is brother-in-law of the

deceased is medical practitioner and resides in different city; whereas non-applicant no.5 is married sister-in-law of the deceased, who also resides in different city.

4] Sum and substance of the the first information report is that after good treatment for 7-8 months, the deceased was subjected to cruelty at the hands of all the non-applicants on account of amount of Rs.One Lac which was demanded for construction of a Bungalow..

5] The date of incident is 5.5.2015. First information report is completely silent in respect of live link and proximity in so far as demand and illtreatment vis-a-vis suicide is concerned. Further, initially accidental death was registered and subsequently crime was registered.

6] All the applicants were arrested and they faced police custody remand and thereafter magisterial custody remand before they were released on bail by the learned trial court. The learned trial court has considered the case of each of the non-applicants while considering their respective bail applications.

7] Learned trial court, in my opinion, has correctly assessed the prosecution case and has rightly exercised discretion in favour of the respondents while considering the applications for bail. By now, the parameters for cancellation of bail are well settled in one of the recent decision of the Hon'ble Apex Court reported in **(2009) 13 SCC 785** in the case of **Manjit Prakash vs Shobha Devi and another**. Therefore, the discretion exercised by the learned trial court cannot be said to be excessive or perverse. That leads me to pass the following order.

8] The application is rejected.

(V.M.DESHPANDE, J.)