

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

CRIMINAL APPLICATION NO. 4458 OF 2014

Dipali w/o. Ravindra Musle

....Applicant.

Versus

The State of Maharashtra & Ors.

....Respondents.

Mr. R.V. Gore, Advocate for applicant.

Mrs. B.B. Gunjal, APP for State.

Mr. Sachin S. Deshmukh, Advocate for respondent Nos. 2 to 7.

CORAM : T.V. NALAWADE, J.

DATED : 23rd February, 2015.

ORDER :

1. The application is filed for cancellation of relief of anticipatory bail granted in favour of respondents/accused by the Sessions Court. In a crime registered for the offences punishable under sections 498, 313, 34 etc. of I.P.C., Sessions Court has granted relief of anticipatory bail. Respondent No. 2 is the husband of applicant and respondent Nos. 3 to 7 are relatives of husband of applicant.

2. It was second marriage of respondent No. 2. Allegations are made by the applicant that after marriage, which took place on 7.12.2012, illtreatment was given to her. She has

made allegations that when she became pregnant, she was taken to respondent No. 5 - Dr. Vilas by the husband and some tablets for causing abortion were given to her. She was told that she was sick and so, good healthy child was not possible at this stage and so, the abortion was necessary. It is her case that respondent No. 5 - Dr. Vilas misbehaved with her in February 2014. Her signatures were obtained on blank papers by respondents. It is her case that she started living with her parents, brother and she was there since 17.6.2014. She gave report on 24.6.2014.

3. The papers of investigation show that there is nothing with the applicant to show that she was carrying at any time. Investigating agency collected report of expert which is to the effect that no signs of abortion were noticed. The learned counsel for the applicant submitted that the Sessions Court did not correctly appreciate the provisions of section 42 of Cr.P.C. and the case decided by the Apex Court on section 42.

4. In view of the aforesaid circumstances, this Court holds that it is not possible to interfere in the order made by the learned Additional Sessions Judge. Cancellation of bail or anticipatory bail is a serious matter. Due to aforesaid

circumstances, the application cannot be allowed.

5. In the result, the application is rejected.

[T.V. NALAWADE, J.]

ssc/