

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

CRIMINAL APPLICATION NO. 4679 OF 2013

Meerabai w/o. Vilas Puri

....Applicant.

Versus

Shivram s/o. Ankush Khote
and another

....Respondents.

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

Mrs. M.A. Deshpande, APP for State.

CORAM : T.V. NALAWADE, J.

DATED : 18th February, 2015.

ORDER :

1. The application is filed under section 439 (2) of Cr.P.C. for cancellation of bail granted by the learned Additional Sessions Judge, Beed in Misc. Criminal Application NO. 697/2013. In a crime registered for offences punishable under sections 306, 504, 506 of I.P.C. bail is granted to the present respondent/accused.

2. The crime was registered on the basis of report given by present applicant. Deceased Radhika was a daughter of applicant. She was married, but her husband had deserted her. It is the case of complainant that the deceased then came in

contact with present respondent Shivram and they started living in a rented room as husband and wife. It is the case of complainant that respondent was insisting the deceased to shift to the village, where he wanted to put the deceased in politics. The deceased was not ready for the same. She has made allegations against present respondent that the deceased used to disclose that Shivram used to give illtreatment to her, used to give beating to her. Ultimately, Radhika committed suicide on 20.8.2013 in aforesaid rented room by hanging herself.

3. The learned counsel for the applicant submitted that the bail was granted even when the investigation was not completed. The order of bail was made on 4.9.2013. The learned counsel for the applicant submitted that the deceased herself had given complaints against the present applicant to police that he was harassing her. Copies of such complaints are produced. He submitted that action under section 107 of Cr.P.C. was also taken and these circumstances are not taken in to consideration by the learned Additional Sessions Judge. He submitted that the learned Additional Sessions Judge has placed reliance on one so called suicide note produced by the defence and on that basis, relief is granted. In view of mentioning of that note in the order made by the learned Additional Sessions Judge, this Court had

directed the trial Court Judge to send the said so called suicide note. This Court has considered that note.

4. Even if the aforesaid suicide note is ignored, the things remain that the prosecution will have to prove abetment as defined under section 107 of I.P.C. as against the respondent. Allegations made in the F.I.R. by the applicant are of different nature. In view of these circumstances and if there was no suicide note, ordinarily any Court would have granted bail to the respondent Shivram. Cancelling bail is a serious matter and in view of the aforesaid material, this Court holds that interference is not possible.

5. In the result, the application is rejected.

[T.V. NALAWADE, J.]

ssc/