

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

CRIMINAL APPLICATION NO. 5532 OF 2014

Suman w/o. Ramesh Rathod **....Applicant.**

Versus

The State of Maharashtra & Anr. **....Respondents.**

Mr. A.S. Lomte h/f. Mr. Ajay Shinde, Advocate for applicant.

Mr. R.P. Phatke, APP for State.

Mr. A.K. Bhosale, Advocate for respondent No. 2.

CORAM : T.V. NALAWADE, J.
DATED : 11th March, 2015.

ORDER :

1. The application is filed under section 439 (2) of Criminal Procedure Code for cancellation of anticipatory bail granted by the learned Additional Sessions Judge, Aurangabad in Bail Petition No. 780/14. The relief is granted in C.R. No. 184/2014 registered at Begumpura Police Station, Aurangabad for the offences punishable under sections 307, 498-A, 34 etc. of I.P.C. and sections 3 and 4 of Dowry Prohibition Act. When the matter was called, learned counsel Shri. Lomte holding for advocate on record submitted that advocate on record is out of station. On the last occasion also the advocate on record did not

appear before the Court and it was made clear that no more adjournment will be given. Submissions made by the learned APP and the learned counsel for respondent/accused were heard.

2. The submissions made by the learned APP show that in the matter chargesheet is already filed by police and the investigation is completed. The F.I.R. shows that the crime was registered on the basis of report given by daughter in law of present respondent/accused. She has made allegations that in the incident dated 23.5.2014 present applicant had helped the husband in which allegedly the husband had forcibly administered poison to her. It is her case that her maternal uncle, father and others had rescued her and they had shifted her to hospital. In respect of incident dated 23.5.2014, report was given on 26.5.2014.

3. The order made by the learned Additional Sessions Judge shows that he considered the relevant material. The learned Additional Sessions Judge observed that the genesis of prosecution that husband of the complainant had administered poison to complainant was not prima facie shown by producing the record of medical evidence. He observed that it was difficult to assume that there was attempt on life of complainant by

administering poison.

4. Cancellation of relief of anticipatory bail or bail is a serious matter and it is possible only in exceptional cases. Present respondent is in service. Though the relief was granted by the learned Additional Sessions Judge in favour of father in law and two daughters of present respondent/accused, in view of the aforesaid circumstances, this Court holds that no exceptional case is made out for cancellation of relief granted in favour of respondent.

5. In the result, the application is rejected.

[T.V. NALAWADE, J.]

ssc/