

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

CRIMINAL APPLICATION NO. 6992 OF 2014

Sanjay s/o. Sonyabapu Karale

....Applicant.

Versus

The State of Maharashtra & Ors.

....Respondents.

Mr. A.B. Kale, Advocate for applicant.

Mr. M.M. Nerlikar, APP for State.

Mr. Joydeep Chatterji, Advocate for respondent Nos. 2 and 3.

CORAM : T.V. NALAWADE, J.

DATED : 4th March, 2015.

ORDER :

1. The application is filed under section 439 (2) of Cr.P.C. for the relief of cancellation of bail granted by the learned Additional Sessions Judge, Ahmednagar. Bail is granted in Criminal Misc. Application Nos. 1449/2014 and 1433/2014. The crime was registered against the respondents for the offences punishable under sections 305, 363, 366, 34 etc. of I.P.C. Both the sides are heard.

2. Initially the crime was registered for offences punishable under sections 363 and 366 of I.P.C. on the basis of report given by Sanjay Karale, original complainant, who is the

father of deceased. The deceased was aged about 17 years. Respondent Balu Bhabad is resident of said village and he is the neighbour of the complainant.

3. On 22.11.2014 the deceased girl was to appear for exam and so, she was reached to her college by her father/ complainant at about 11.00 a.m. On that day, she did not return from college and she contacted her mother on phone and told her that she was proceeding to the house of her friend to attend the function of 'Jagran-Gondhal'. She returned to home on 23.11.2014 at about 8.00 a.m. On that day, the complainant left home for some work. The deceased girl and the wife of brother of complainant namely Suman were present in the filed. Said Suman noticed that present respondents Balu and Ajinath were roaming in the vicinity of their field. At about 4.00 p.m. the deceased girl requested for drinking water, but she was not having water, so she left the filed. Suman noticed that respondents were virtually following the deceased and they were on motorcycle. After that nobody saw the deceased girl alive. As she was not available, the complainant gave report on the basis of aforesaid information against respondents on 24.11.2014.

4. The dead body of girl was found in a well from Nipani

Jalgaon on 25.11.2014. This spot is situated at the distance of 5 to 6 k.m. away from the house of complainant as per the statement made by the learned counsel for the applicant. This Court has carefully gone through the papers of investigation. It is not specifically mentioned in the record, but the learned counsel for the applicant made a submission that the complainant's family belongs to Maratha community and the respondents are from Vanjari community. Some record is collected to the effect that from 22.11.2014 to 23.11.2014 after appearing from paper the deceased was in the company of Balu Bhabad. They had stayed in the lodge at other station.

5. Nobody had seen the deceased in the company of Balu after 4.00 p.m. of 24.11.2014 though Suman has disclosed the last incident of aforesaid nature.

6. The submissions made show that against respondents police custody remand was granted and one respondent remained behind bars from 24.11.2014 to 10.12.2014 and other from 24.11.2014 to 16.12.2014. In view of the nature of material collected as against the respondents/accused, this Court holds that it is not possible to interfere in the order made by the learned Additional Sessions Judge.

Cancellation of such relief is possible only in exceptional circumstances. No such circumstance is made out.

7. In the result, the application is rejected.

[T.V. NALAWADE, J.]

ssc/