

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE – CRIMINAL
APPLICATION NO.180 OF 2013

Kashiram Jemla Rathod ... Applicant

Vs

Sou. Shobhabai Suresh Jadhav & Ors. ... Respondents

Mr. Santosh Pawar for & Mr. Yuvraj Patil the Applicant
Mrs. G.P. Mulekar, APP, for Respondent No.5 -State.

CORAM: PD. KODE, J.

DATED: FEBRUARY 6, 2015.

PC:

By this application the Applicant/first informant for Crime No.4 of 2013 registered with Vitthalwadi Police station for offences under sections 306, 304-B, 498-A, 323 and 504 r/w section 34 of the IPC, has prayed for cancellation of bail granted to four Respondents. The offences in question were registered upon the FIR lodged by father of the victim by name, Anjita, for herself having committed suicide on 4.1.2013 by consuming some poisonous substance, i.e. after about six months of her marriage with Respondent No.2, due to herself being subjected to cruelty as contemplated by sections 498 A, 304 B, etc. of the IPC and for other acts committed by the Respondents and other co-accused

until her death.

2. Mr. Santosh Pawar, learned counsel for the Applicant, has pressed the application on two grounds, firstly, that bail is improperly granted and secondly, Respondent No.2 having threatened the son of the Applicant on 16-4-2013.

3. Perusal of the FIR and the allegations contained therein, by itself not revealing that the deceased was subjected to the cruelty as contemplated under section 304 B of the IPC, it appears debatable regarding applicability of said section to the case against the Respondents. Having regard to it and having regard to the other offences and none of the offences from them being punishable with death and /or imprisonment for life, it is difficult to perceive that any error was committed by Court of Sessions in exercising discretion in favour of grant of bail. Needless to add that the order granting bail read as a whole, reveals the relevant circumstances recorded by court of sessions indicates that custodial interrogation was not necessary. Having regard to it, it is difficult to find any substance in the submission canvassed by the learned counsel for the Applicant that bail was granted improperly.

4. With regard to the next ground canvassed by the

Applicant of his son being threatened by Respondent No.2, the conduct of the Applicant and /or his son in not pursuing the said matter and taking no steps after father lodging a non-cognizable complaint, itself reveals the seriousness given by them to alleged event. Thus, no case having been made out for coming to the conclusion of the Respondents having misused the liberty, it is difficult to entertain the present application for cancellation of bail.

5. The prosecution has not filed any say supporting the prayer for cancellation of bail. Apart from it, the parameters for grant of bail and parameters for cancellation of bail are altogether different and since no case warranting interference with the order passed by Court of Sessions by exercising its discretion is being made out, the application stands rejected.

(P.D. KODE, J.)