

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.631 OF 2016

Anjum Sayyed w/o Farukh Sayyed,
Age 20 years, Occu. Household,
R/o Malikpura, Parali Vaijinath,
Taluka Parali, District Beed

.. Applicant

Versus

1. Sayyed Farukh s/o Sayyed Saied,
Age 24 years, Occu. Business,
R/o Malikpura, Parali Vaijinath,
Taluka Parali, District Beed
2. Sayyed Shahrukh s/o Sayyed Saied,
Age 23 years, Occu. Driver,
R/o Malikpura, Parali Vaijinath,
Taluka Parali, District Beed
3. Sayyed Shahed s/o Sayyed Saied,
Age 22 years, Occu. Labour,
R/o Malikpura, Parali Vaijinath,
Taluka Parali, District Beed
4. The State of Maharashtra

..Respondents

Mr Zil-Ul-Mustafa, Advocate for applicant
Mr A.S. Shinde, A.P.P. for respondent No.4

CORAM : N.W. SAMBRE, J.

DATE : 9th February 2016

PER COURT

Heard.

2. The respondents No.1 to 3 were granted regular bail by the learned Sessions Judge, Ambejogai on 14th September 2015 in Crime No.138/2015 registered on 9th July 2015, for the offences punishable under Sections 498-A, 315, 323, 504 and 506 read with sec.34 of Indian Penal Code.

3. The applicant – complainant has sought to invoke provisions of Section 439 (2) of Cr.P.C. on following grounds:

(a) that respondents No.1 to 3 have threatened the complainant and accordingly, chapter case was initiated against them, as is reflected from the order dated 22nd September 2015 passed by the Executive Magistrate, Parali Vaijnath;

(b) there are compelling circumstances, which prompts cancellation of bail.

4. Learned Counsel for the applicant has invited attention of this Court to the contents of F.I.R. and the role attributed to accused.

5. Learned A.P.P. assisted the Court and submits that the Court may pass appropriate order.

6. Perused the investigation papers. It is required to be noted that the investigation in the matter is complete and charge-sheet is already filed.

7. The learned Sessions Court, while granting regular bail to the respondents No.1 to 3 was alive to the nature of crime. The Court thereafter having noticed that the respondents' further detention was not necessary, was pleased to allow their application.

8. Apart from above, it is required to be noted that once the investigation is complete and the charge-sheet is filed, further detention of the respondents No.1 to 3, particularly in crime in question is of hardly any necessity.

9. Apart from above, it is also required to be noted that the complaint as was filed by the complainant as regards threats, was very much looked into by initiating chapter case against the respondents No.1 to 3.

10. In view of above, in my opinion, no compelling circumstances are brought to the notice of this Court, for cancellation of bail. As such, application fails, stands rejected.

(N.W. SAMBRE, J.)

vvr