

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

CRIMINAL APPLICATION NO. 711 OF 2016

Shaikh Rashid s/o Shaikh Rasul,
Age: 40 years, Occ: Business,
R/o. Kazipura, Gangapur,
Tq. Gangapur, Dist. Aurangabad.

...Applicant

versus

Jakiya Begum d/o Shaikh Aziz,
Age: 36 years, Occ: Service,
Police Constable B.No. 1203,
Police Station Deogaon Rangari,
Tq. Kannad, Dist. Aurangabad & anr.

...Respondents

.....
Mr. G.J. Pahilwan, Advocate h/f Mr. S.K. Shaikh,
Advocate for applicant
Mr. M.M. Nerlikar, A.P.P. for respondent/State
.....

CORAM : N.W. SAMBRE, J.

DATE : 1st MARCH, 2016

ORAL ORDER :

The applicant, who is the complainant in Regular Criminal Case No. 560 of 2015, is seeking cancellation of pre-arrest bail granted to respondent No. 1 by an order dated 16/01/2016 passed by learned Sessions Court, Vaijapur in Crime No. 246 of 2015 registered with Shillegaon Police Station, Taluka Gangapur, District Aurangabad for the offence punishable under Sections 420, 406, 120(B), 494, 497, 323, 500, 201, 203 read with Section 34 of the Indian Penal Code.

2. Respondent No.1 is public servant, working with Police Department as Constable, whereas other accused persons are relatives of respondent No.1. Cancellation of bail is sought on the ground that respondent No. 1 has performed second marriage. In my opinion, the said submission of the applicant does not call for any interference under Section 439(2) of Code of Criminal Procedure, particularly having noted that the order was passed by the Sessions Court granting pre-arrest bail is well reasoned order and was delivered after consideration of all facets of the matter including one which is sought to be canvassed herein. The custodial interrogation of respondent No. 1, in my opinion, is not at all necessary, in the facts and circumstances as are narrated in the complaint under Section 156(3) of Code of Criminal Procedure. As such, the application is devoid of merits, hence rejected.

[N.W. SAMBRE, J.]