IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1365 OF 2016

Sau. Sonali Manoj Pandit .. Applicant

Vs.

Abhishek S/o Subhash Pande and anr. .. Respondents

Mrs. Nima Suryawanshi, Advocate for the applicant
Mr. Joydeep Chatterji, Advocate for respondent no.1
Mr. A.D. Namde, APP for the respondent/State

CORAM : A.S. CHANDURKAR, J.
DATE : 24/11/2016

ORAL ORDER :

Heard.

2. The applicant, who is complainant in FIR no. 243 of 2015 registered under Section 376 of the Indian Penal Code seeks cancellation of anticipatory bail granted to the respondent no.1 by learned Additional Sessions Judge vide order dated 6/2/2016.

3. Learned counsel for the applicant submitted that the Sessions Court was not justified in granting protection from arrest to the respondent no.1. It is submitted that the mobile in question as well as the

material in that regard showing recording of the alleged incident stated in the First Information Report, is yet to be recovered. For said purpose, the order granting anticipatory bail to respondent no.1 deserves to be vacated.

4. The application is supported by learned Additional Public Prosecutor for respondent no.2. The prayer is however opposed by learned counsel for respondent no.1 on the ground that the entire material has been seized from the respondent no.1 and that according to instructions received, the chargesheet has been presented to the Sessions Court.

5. Perusal of the order passed by the learned Additional Sessions Judge indicates that the mobile in question has been seized from the respondent no.1 and hence it is observed that nothing further remains to be recovered. It is further observed that as per the FIR, the initial incident is alleged to have taken place in June, 2010 while the First Information Report was lodged on 21/12/2015. The order granting anticipatory bail does not appear to be perverse.

6. In view of the aforesaid, I do not find that any ground is made out for cancellation of anticipatory bail granted to respondent no.1. The Application is therefore rejected.

[A.S. CHANDURKAR]
JUDGE

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