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

CRIMINAL APPLICATION NO.4043 OF 2015

Tabassum w/o Sk. Aasif

..APPLICANT

VERSUS

The State of Mah. & ors.

..RESPONDENTS

Mr R.R. Sancheti, Advocate holding for Mr B.A. Agrawal, Advocate for applicant;

Mr M.B. Bharaswadkar, Addl. Public Prosecutor for respondent no.1

CORAM : N.W. SAMBRE, J.

DATE : 8th January, 2016

ORDER :

The applicant – complainant is seeking cancellation of pre-arrest bail granted to respondents no.2 and 3 by Additional Sessions Judge, Hingoli, vide order dated 29th June, 2015, passed in Criminal Misc. Application No.121 of 2015.

2. According to Mr Sancheti, the learned Counsel appearing on behalf of the applicant, respondents no.2 and 3 are named as accused in a serious offence punishable under section 307 of the Indian Penal Code, which was registered on 10th June, 2015 against the incident dated 3rd June, 2015. He would then urge that once the application of the main accused, i.e. husband of the complainant Shaikh Asif was rejected, on parity the case of respondents no.2 and 3 should have been considered on same lines and their prayer for pre-arrest bail ought to have been rejected.

(2)

He would then urge that there is sufficient evidence on record to *prima facie* demonstrate involvement of respondents no.2 and 3 in the crime in question.

3. Learned Addl. Public Prosecutor assisted the Court and submitted that the Court may pass appropriate orders in the matter.

4. It is noted that the learned Additional Sessions Judge has allowed the application on the ground that the incident has occurred on 3rd June, 2015, whereas it was reported to the police on 10th June, 2015. Apart therefrom, proviso to section 437 of the Code of Criminal Procedure was pressed into service so as to grant privilege to respondents no.2 and 3.

5. Apart from above, it is not the case of the prosecution that respondents no.2 and 3 have violated the terms and conditions of the bail.

6. In this view of the matter, in my opinion, no case for interference is made out under section 439 of the Code of Criminal Procedure. Criminal Application, therefore, stands rejected.

(N.W. SAMBRE, J.)

amj