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

CRIMINAL APPLICATION NO. 1174 OF 2016

Saw. Varsha w/o Kishor Danake,
Age: 26 years, Occ: Household,
R/o. Mukundwadi, Aurangabad
At present Mhada Colony,
Plot No.40, Manta Naka, Jalna,
Tq. & Dist. Jalna.

..APPLICANT

VERSUS

1. The State of Maharashtra
Through its Police Station
Sadar Bazar Jalna
Tq. & Dist. Jalna.
2. Kishor s/o Pundalik Danake,
Age: 28 years, Occ: Labour,
R/o. Sangharsh Nagar,
Gampale Wada Near Bodhavihar,
Mukundwadi, Tq.&Dist.Aurangabad.
3. Pundalik s/o Bandoji Danake,
Age: 55 years, Occ: Rickshaw
Driver, R/o. As above.
4. Sushila w/o Pundalik Danake,
Age: 45 years, Occ: Household,
R/o. As above.
5. Sow. Alaka w/o Mithun Bhalerao,1
Age: 26 years, Occ: Household,
R/o Near Laxmimata Temple,
Ambikanagar, Mukundwadi,
Aurangabad.
6. Mithun s/o Kisan Bhalerao,
Age: 28 years, Occ: Labour,
R/o. Sangharsh Nagar,
Gampale Wada Near Bodhavihar,

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Mukundwadi,
Tq. & Dist. Aurangabad.

7. Soni @ Varsha Pundalik Danake,
Age: 25 years, Occ: Service
(Prozon Mall), R/o. Sangharsh
Nagar, Gampale Wada
Bodhavihar, Mukundwadi,
Tq. & Dist. Aurangabad. ..RESPONDENTS

Mrs. Shubhangi More, Advocate h/f Mr K.D. Jadhav,
Advocate for applicant;
Mr S.M. Ganachari, Addl. Public Prosecutor for
respondent No.1;
Mr C.V. Thombre, Advocate for respondent
Nos. 2 to 7

CORAM : N.W. SAMBRE, J.

DATE : 22nd FEBRUARY, 2017

ORAL ORDER :

On 19th January, 2016, learned Additional Sessions Judge, Jalna in Crime No. 318 of 2015, registered with Police Station Sadar Bazar, Jalna, Taluka and District Jalna, for offence punishable under Sections 498-A, 323, 504 read with Section 34 of the Indian Penal Code, granted pre-arrest bail to the respondents-accused persons.

2. Subsequent thereto, charge sheet came to be filed and it is informed that charge is also

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framed against the accused persons.

3. In the aforesaid background, while trying to make out a case for cancellation of pre-arrest bail under Section 439(2) of the Code of Criminal Procedure, learned Counsel for the applicant would strenuously urge that there is sufficient evidence so as to infer prima facie involvement of the accused persons in the crime in question.

4. According to her, since there is strong case, chances of conviction are also there and in view thereof, pre-arrest bail ought not to have been granted and as such, needs to be cancelled. The another submission is made that without custodial interrogation, investigation has hampered and as such, custody of the respondents-accused is required.

5. Mr. Thombare, learned Counsel for the respondents-accused supported the order.

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6. From the record, it could be inferred that offence under Sections 498-A, 323 of the Indian Penal Code is punishable with three years.

7. The charge against the respondents-accused is already framed and they were on pre-arrest bail since last more than one year.

8. Once investigation in the matter is over and charge sheet is filed, I hardly see any reason, particularly in the backdrop of matrimonial discord as alleged in the first information report for custodial interrogation. As such, criminal application fails and stands rejected.

(N.W. SAMBRE, J.)

Tupe