

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 149 OF 2018

Ramesh Babulal Patil	Versus	...Applicant
The State of Maharashtra		...Respondent

WITH
CRIMINAL APPLICATION NO. 139 OF 2018

Ramesh Babulal Patil	Versus	...Applicant
The State of Maharashtra		...Respondent

Mr. Balwant Salunkhe, for the Applicant.
Mr. Ajay Patil, APP for the State/Respondent.
Mr. Fuzail Wasif, a/w N. R. Bubna, for Respondent no.2.

CORAM: A. S. GADKARI, J
DATED: 12th December, 2018

PC:-

1. These are applications under Section 439(2) of Criminal Procedure Code for cancellation of bail granted to Respondent nos. 2 respectively. Respondent no.2 in Application No.149 of 2018 is granted pre-arrest bail by the learned Additional Sessions Judge, Malegaon, by its order dated 3rd November, 2017 passed below Exhibit 1 in Criminal Miscellaneous Application No.605 of 2017 and Respondent no.2 in Application No.139 of 2018 is granted pre-arrest bail by the learned Additional Sessions Judge, Malegaon, by its order dated 4th November, 2017 in Criminal Miscellaneous Application No.608 of 2017.

Heard the learned Counsel for the applicant, the learned Counsel for respondent no.2 in both the applications and the learned APP. Perused the record.

2. The applicant is the first informant and father of deceased Deepak Ramesh Patil. It is the prosecution case that the marriage of Deepak was solemnised with respondent no.2 Smt. Shubhangi (Application no.149/2018) prior to six years of the date of the alleged incident i.e. 10th October, 2017. Out of their wedlock a son has begotten. It is the allegation against respondent no.2 Smt. Shubhanig that, she was insisting the deceased to transfer the landed property standing in his name, in her own name. That Shubhani was also having illicit relations with Mahadev Nagare – respondent no.2 (Application no.139/2018). That due to the constant harassment at the hands of Shubhangi over the issue of transfer of property and her illicit relations with Mahadeo, Deepak committed suicide at his residential place at Nandgaon, on 10th October, 2017.

3. As noted earlier, the learned Additional Sessions Judge has granted pre-arrest bail to the respective respondent nos.2 by the impugned orders. The learned Counsel for the applicant submitted that, the offence punishable under Section 306 of IPC is a serious offence and as per his instructions the mobile phone from which Shubhangi used to contact Mahadeo is not yet seized

by the police and therefore the custodial interrogation of Shubahngi is necessary. He further submitted that the impugned orders passed by the Trial Court are bad in law and requires interference at the hands of this Court. He therefore prayed that the present applications may be allowed and the impugned Orders may be set aside.

4. After minutely perusing the impugned orders, it appears that, the Trial Court after taking into consideration the various circumstances of the present case and the guidelines laid down by the Supreme Court in the case of *Siddharam Satlingappa Mhetre vs. State of Maharashtra and others* has granted pre-arrest bail to respective respondent nos.2. The Trial Court has also taken into consideration the fact of seizure of mobile phone and the balance between the process of investigation and custodial interrogation of respondent nos.2.

5. After taking into consideration the facts involved in the present case and the well reasoned orders passed by the Trial Court, this Court is of the considered view that the impugned orders do not require any interference by this Court as the said orders are passed within the conformity of settled principles of law. The impugned orders do not suffer from any error.

6. In view thereof, applications are accordingly rejected.

[A. S. GADKARI, J.]