

APPLICATION FOR CANCELLATION OF BAIL NO. 140 OF 2018

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CORAM : **V.M. DESHPANDE, J.**
DATE : **25TH MARCH, 2019**

01. Rule. Rule made returnable forthwith. By
consent of the parties heard finally.

02. Heard Mr.G.A. Nagori, learned Advocate for the applicant, Mr.A.A.Jagatkar, the learned A.P.P. for respondent No.1 and Mr.C.C.Deshpande, the learned Advocate for respondent No.2. The present applicant is the first informant. She lodged the first information report with Police Station, Dondaicha, Dist. Dhule against the respondent No. 2 and others on 27.5.2018. On the basis of which the

crime was registered vide C. R. No. 46 of 2018 for the offence punishable under Sections 498A, 313 read with 34 of the Indian Penal Code.

03. Since respondent No.2 was apprehending his arrest, he preferred an application for grant of bail before the Court below and the said was registered as Cri. Bail Appln No. 555/2018 and the learned Additional Sessions Judge, Dhule on 4.8.2018 granted anticipatory bail in his favour with a direction that he shall report Investigating Officer once in a week for next 30 days from 4.8.2018 and shall be with the Investigating Officer from 4.00 PM to 5.00 PM.

04. Respondent No. 2-Vijay Chairee is the husband of the first informant. Perusal of the first information report would show that the allegation against the present respondent No. 2 is that with the help of his sisters certain drugs were administered to her resulting into the abortion. The investigation has already crossed the stage of seizure of various articles. Further, even according to the Counsel for the applicant, the abortion took place in the month of March 2018 and the first information report is lodged in the month

of May 2018. Thus, there is a delay which has remained to be explained at least at this stage.

05. Looking to the nature of the allegations made against the present respondent No.2, in my view no fruitful purpose will be served by canceling the anticipatory bail granted in favour of respondent No. 2-Vijay Chairee, especially when there is no complaint on the part of the prosecution that he has not attended the Police Station as directed by the Court below. Hence, there is no merit in the application. It leads to me to pass following order;

ORDER

(i)The application is dismissed.

(ii)Rule is discharged.

[V.M. DESHPANDE]

JUDGE

Dahibhate/-