

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR CANCELLATION OF BAIL NO. 141 OF 2018

Palak Vijay Chirae

...Applicant

Versus

1] The State of Maharashtra,

2] Hir Dinesh Chairee,

3] Komal Arjundas Ahuja.

...Respondents

.....

Mr. Girish Nagori, Advocate for Applicant.

Mr. A. A. Jagatkar, A.P.P. for Respondent No. 1.

Mr. Chaitanya C. Deshpande, Advocate for Respondent
Nos. 2 & 3.

.....

CORAM : V.M. DESHPANDE, J.

DATE : 25TH MARCH, 2019

ORAL JUDGMENT :

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 Nos.2 and 3. The present applicant is the first informant. She lodged the first information report with Police Station, Dondaicha, Dist. Dhule against the

respondent Nos. 2 and 3 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 the respondent Nos. 2 and 3 were apprehending their arrest, they preferred an application for grant of bail before the Court below and the said was registered as Cri. Bail Appln No. 543/2018 and the learned Additional Sessions Judge, Dhule on 23.7.2018 granted anticipatory bail in their favour with a direction that they shall report Investigating Officer once in a week for next 30 days from the 23.7.2018 and shall be with the Investigating Officer from 4.00 PM to 5.00 PM.

04. Respondent Nos. 2 and 3 are the sisters-in-law of the first informant. Perusal of the first information report would show that the allegation against the present respondent Nos. 2 and 3 is that with the help of the husband of the applicant 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 Nos. 2 and 3, in my view, no fruitful purpose will be served by canceling the anticipatory bail granted in favour of these two ladies, especially when there is no complaint on the part of the prosecution that they have 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/-