

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR CANCELLATION OF BAIL NO.12 OF 2021

Prashant Chandrakant Belamkar

Applicant.

Versus

Dhananjay Vishnupant Kamble & others.

Respondents

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Ms. Sunita S. Sonawane , Advocate for the applicant.

Mr. S.P Brahme, Advocate for respondent No. 1.

Mr. A.S. Shinde, A.P.P. for respondent Nos.2 & 3.

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CORAM : **PRAKASH D. NAIK, J.**

DATE : **23-11-2021**

ORDER :

1. The applicant is seeking cancellation of bail granted to respondent No. 1 vide Section 439 (2) of the Code of Criminal Procedure.

2. Applicant is the first informant in Crime No. 666/2020 registered with Shrigonda Police Station, District Ahmednagar under Sections 306 and 376 read with Section 34 of the Indian Penal Code (for short, "I.P.C.").

3. The case of the prosecution is that, accused (respondent No. 1) used to visit the house of his brother. Complainant is their neighbour. The niece of the complainant used

to visit his house. Accused had developed friendship with the niece of the complainant. Accused and victim were exchanging messages and calls. They developed friendship. The accused had taken the victim to his room premises. On 23.07.2020 victim had informed that since one year accused had developed friendship with her and suppressed the fact that he is married and having two children. There was physical relationship between them at Karmala. From 13.06.2020, the accused was insisting the victim to have physical relationship with him. She refused. She was abused and threatened that she will be killed. Complainant called brother of accused and informed him about the incident. They blamed the victim. The victim was disturbed and frustrated. On 24.07.2020 victim committed suicide by hanging. She was taken to hospital. She died on 25.07.2020.

4. The accused preferred application for anticipatory bail before Sessions Court. The application was allowed by order dated 21.12.2020.

5. Learned Advocate for the applicant submitted that the offence is of serious nature and the learned Sessions Judge ought not to have granted anticipatory bail to the accused. Accused had suppressed that he is married person and subjected the victim to sexual assault. The victim was compelled to commit suicide. The

offences under Sections 306 and 376 of I.P.C. were made out. The accused have deceived the victim. She was abused and threatened.

6. Learned A.P.P. supported the grounds for cancellation of anticipatory bail. It is submitted that the victim was compelled to commit suicide. The offences are serious. The victim was subjected to sexual intercourse by accused by suppressing the fact of marriage.

7. Learned Sessions Judge, while granting the application for anticipatory bail vide order dated 02.12.2020, has observed that the accused and victim were having love affair. The victim used to accompany accused and visited his room. Wife of the informant was knowing about the relationship of accused with the victim. Prima facie, there is nothing to infer that the victim was not aware about the marriage of accused. The victim was major college going girl and voluntarily developed relationship with the accused. The sexual relationship was on account of their love relationship. Accused is not having any criminal antecedent.

8. Learned Counsel for respondent No. 1 submitted that, no ground is made out to cancell anticipatory bail granted to respondent No. 1. The learned Sessions Judge in paragraph 6 of

the order has assigned reasons for granting pre-arrest bail. For cancelling bail, overwhelming circumstances are necessary which are lacking in this case. The accused have not tampered with evidence. Charge-sheet is filed on 11.03.2020.

9. Investigation is completed and charge-sheet is filed on 11.03.2021. Accused and victim were apparently in relationship. Custodial interrogation of the accused was not necessary. Learned Sessions Judge has assigned reasons for allowing the application for anticipatory bail. No case is made out to interfere in the impugned order. Hence, I pass the following order.

ORDER

ACB No.12 of 2021 is rejected and stands disposed of.

(PRAKASH D. NAIK, J.)