

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR CANCELLATION OF BAIL NO. 49 OF 2020

LALITA W/O. RAVI JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : Mr. Vikram T. Patil
APP for Respondent State: Mr. A.S. Shinde.
Advocate for respondents : Mr. R.N. Chavan and T.V. Kamble.

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CORAM : PRAKASH D. NAIK J.

DATE : 11TH OCTOBER, 2021.

PER COURT:

This is an application preferred by the original complainant seeking cancellation of bail granted to respondent Nos. 2 to 6 vide order dated 15.2.2020, passed by the learned Additional Sessions Judge, Aurangabad. The complaint was lodged for the offences punishable under sections 406, 420, 498-A, 323, 504 r/w. 34 of IPC and under Sections 3 and 4 of the Dowry Prohibition Act.

2] The case of the prosecution is that marriage of the complainant was solemnized with respondent No.2. There was separation on account of marital discord. An impression was given that respondent No.2 is an Engineer although it was found to be a false information. The victim was harassed by the accused. She was subjected physical and mental cruelty. There was demand of dowry.

3] The respondent No.2 is the complainant, respondent Nos. 5 and 6 are brothers in law, whereas, respondent Nos. 3 and 4 are father in law and mother in law, respectively, of the complainant.

4] Respondent Nos. 2 to 6 preferred an application for anticipatory bail before the Sessions Judge, which has been allowed. The complainant, aggrieved by the said order, has preferred this application.

5] The learned counsel for the applicant submitted that the accused have cheated the complainant. It was represented that respondent No.2 is a qualified Engineer. Representation was found to be false. There was continuous harassment. The learned Sessions Judge, has allowed the application for anticipatory bail of the respondents without assigning cogent reasons. The order is very cryptic. The learned Judge has not taken into consideration the evidence on record which constitutes the offences. The custodial interrogation of the respondents was necessary.

6] The learned APP submitted that during the course of investigation, it was found that respondent No.2 was not qualified engineer. On completion of investigation, charge sheet has been filed.

7] Learned counsel for respondent Nos. 2 to 6 submitted that the allegations in the FIR are vague. The learned Sessions Judge has taken into consideration the factual aspects and by assigning cogent reasons has allowed the application for anticipatory bail. The order was passed subject to several conditions which has been complied with by the respondent Nos. 2 to 6. Custodial interrogation of the respondents was

not necessary. Now the charge sheet has been filed against the accused and question of subjecting them to custody does not arise.

8] I have perused the FIR and the impugned order passed by the learned Sessions Judge granting anticipatory bail. The offences were on account of matrimonial discord under the aforesaid provisions of the penal code. The learned Judge has assigned as to why custodial interrogation is not necessary after the investigation is complete and charge sheet is filed. There are certain conditions imposed while allowing the application for anticipatory bail. In these circumstances, I do not find any reason to interfere with the order passed by the learned Sessions Judge. Hence, the application is rejected.

[PRAKASH D. NAIK]
JUDGE.

grt/-