

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

APPLICATION FOR CANCELLATION OF BAIL NO. 77 OF 2021

Tukaram Kisan Bondre ... **Applicant**
Age 49 years, Occu: Agri.
R/o Varudi Budruk, Tq. Paithan
District Aurangabad

VERSUS

1. The State of Maharashtra, ... **Respondents**
Through Police Station Incharge.
Newasa Police Station,
District Ahmednagar.
2. Ramkisan Bhaurao Thore,
Age 59 years, Occu: Agri.
R/o Patharwale, Tq. Newasa
Dist. Ahmednagar.
3. Shobha Ramkisan Thore
Age 54 years, Occu: Agri. R/o As above
4. Dnyaneshwar Ramkisan Thore,
Age 34 years, Occu: Agri. R/o As above

Mr. B. S. Dhawale, Advocate for the applicant,
Mr S. B. Narwade, A.P.P. for the State.
Mr. M. R. Khutwad, Advocate for respondent No.2.

CORAM : PRAKASH D. NAIK, J.
DATE : 11th October, 2021

ORDER:

1. This is an application preferred by applicant invoking section 439(2) of the Code of Criminal Procedure challenging the impugned order dated 18th March, 2021 passed by learned Additional Sessions Judge, Newasa-Ahmednagar granting anticipatory bail to respondent Nos. 2 to 4.

2. Applicant is the first informant in Crime No. 114/2021 registered with Newasa Police Station on 1st March, 2021 for offences under section 304B, 498A r/w 34 of the Indian Penal Code.

3. The case of the prosecution is that marriage of complainant's younger daughter was performed on 17th December, 2020 with Sharad Ramkisan Thore. On 20th January, 2021, complainant's daughter had visited his house and she had informed that the accused are demanding Rs.2.50 lakhs for purchasing two tractor trolleys and abusing her. She was ill-treated and assaulted. Her husband is repeatedly demanding money and threatening her that if she does not bring money from her parents, he would not cohabit with her. The complainant requested the accused not to ill-treat his daughter and that he would make arrangement of money. On 1st March, 2021, father-in-law of the victim gave a call to complainant and informed him that victim is not keeping well and they should visit his house immediately. Pursuant to that, the complainant and others went to Newasa. They found that victim has committed suicide by jumping in well. Hence the FIR was lodged on the same day.

4. Respondent Nos. 2 to 4 preferred application for anticipatory bail before the learned Additional Sessions Judge, Newasa-Ahmednagar which was allowed by order dated 18th March, 2021 on certain conditions. The complainant is aggrieved by the said order and sought

cancellation of anticipatory bail granted to the said respondents by preferring this application.

5. Learned Advocate for the applicant submitted that the offence was of serious nature. There are specific allegations against the accused. Incident had occurred within short span of marriage. Accused had demanded money for purchasing trolleys and for not fulfilling the same, the victim was abused and assaulted. On account of ill-treatment, victim committed suicide by jumping in the well. Custodial interrogation of the respondents accused was necessary. The order passed by the learned Additional Sessions Judge granting anticipatory bail is contrary to law. The learned Judge has not taken into consideration the seriousness of the offence.

6. The learned counsel for the applicant has relied on the decision of the Supreme Court in the case of **Sonu Vs. Sonu Yadav & ors., 2021 Cr.L.J.2464** and the decision in the case of **Kanwar Singh Meena Vs. State of Rajasthan & Anr.(2012) 12 Supreme Court Cases 180.**

7. Learned Advocate for respondent No.2 submitted that no interference is called for in the impugned order granting anticipatory bail. The learned Sessions Judge has taken into consideration the factual aspects and by assigning reasons, the application was allowed. The conditions imposed while granting anticipatory bail were complied

by the respondents-accused. On completing investigation, charge sheet is filed. All the witnesses were close relatives of the complainant. There were no injuries on the person of the victim.

8. Learned A.P.P. submitted that section 354 IPC was added on the basis of supplementary statement of the mother of the victim. The incident had occurred within short period after the marriage was performed between the victim and the co-accused. Custodial interrogation of the respondents-accused was necessary. The statements recorded during the course of investigation supports the prosecution case. There was demand of money by the accused. The Sessions Court has not taken into consideration the serious nature of allegations against the accused.

9. The FIR was registered on 1st March, 2021 alleging that victim has committed suicide. Learned Sessions Judge has taken into consideration the written say filed by the State, documents of investigation tendered by the prosecution, written objection of the first informant and the documents relied by him. The charge sheet is filed on 1st May, 2021. Supplementary statement was recorded on 6th March, 2021. In the said statement, it was alleged that father-in-law of the victim was indulging in sexual harassment and outraging modesty. The said information was received by the complainant from his wife which is apparently after thought. Section 354, 354A, 354D were added subsequently. While allowing the application, the learned Sessions Judge

had observed that custodial interrogation of the accused was not necessary. Husband of the victim namely Sharad Thore was arrested on 1st March, 2021. He has been granted bail.

10. Considering the aforesaid facts, interference in the impugned order is not warranted.

11. In the case **Sonu Vs. Sonu Yadav (supra)**, the Apex Court was pleased to observe that the order granting anticipatory bail was without reasons. In the case of **Kanwar Singh Meena (supra)**, the Apex Court had reiterated the guiding principles for cancellation of bail. It was observed that cancellation of bail is a serious matter. Bail once granted cannot be cancelled.

12. In the light of aforesaid factual aspects, I pass the following order:

ORDER

Application for Cancellation of Bail No. 77 of 2021 is rejected and disposed of.

(PRAKASH D. NAIK, J.)

JPC