

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

**21 APPLICATION FOR CANCELLATION OF BAIL NO.142 OF 2021
NAMITA AMOL RAKTE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Mr. Anand P.Bhandari, Counsel for applicant
Mr. A.S.Shinde, APP for respondent No.1-State
Mr. R.D. Biradar, Counsel for respondent No.2

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CORAM : PRAKASH D. NAIK, J.

DATE : 22nd NOVEMBER, 2021

PER COURT:

1] This is an application for cancellation of bail granted vide order dated 1st July, 2021 passed by learned Additional Sessions Judge, Ambajogai Dist.Beed in Criminal Bail Application No.201 of 2021 to respondents No.2 to 5.

2] The applicant is the original complainant at whose instance, the First Information Report (for short, 'FIR') was registered on 15th May, 2020 for offences under Sections 306, 498-A, 323, 504 and 506 read with Section 34 of Indian Penal Code (for short, 'IPC').

3] The case of the complainant is that, the mother of the complainant had committed suicide. The marriage of the applicant and respondent No.3 was solemnized on 6th January, 2021. At the time of marriage, gold and cash was given by the parents of the applicant.

The applicant was being harassed by the accused. The respondent No. 3 was ill due to dengue and he was hospitalized and the applicant was blamed for said illness. The gold ornaments of the applicant were sold by the accused for paying hospital Bill. There was continuous harassment and humiliation by the accused. The mother of applicant could not take this pressure and committed suicide on 28th April, 2021. FIR was lodged on 15th May, 2021.

4] The contention of the applicant is that on account of harassment meted out to the applicant, was under continuous pressure and she had committed suicide. The offence is of serious nature. The learned Sessions Judge, ought not to have allowed the application preferred by the respondent-accused under Section 438 of Cr.P.C. The learned Judge should have considered seriousness of offence. Custodial interrogation of accused was necessary. Learned APP supported the submissions of applicant.

5] I have perused the FIR, documents on record and the impugned order dated 1st July, 2021 passed by the learned Additional Sessions Judge, Ambajogai Dist. Beed. The order passed by the learned Judge indicates that the Court has taken into consideration the factual aspects of the matter and by assigning reasons, allowed the application for anticipatory bail. The learned Judge has also taken into

consideration the fact that there was delay in lodging the FIR. The husband of the informant was working as Formulation Scientist in Pacific Medical Industries, Pharmaceuticals Company, situated in Myanmar Country. The learned Judge has also noted that some of the accused were aged persons. The deceased was suffering diabetes and insomnia. She was under tension. The Court has also noted the ingredients required to constitute the offence under Section 306 of IPC and all the materials on the record, while allowing the application for anticipatory bail. I do not find any reason to interfere in the impugned order. Hence, I pass the following order.

ORDER

Application for cancellation of Bail No.142 of 2021
stands rejected and disposed of.

(PRAKASH D. NAIK, J.)

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