

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 249 OF 2017

Babanrao Muktaji Ghule	 Applicant
v/s.	
Ranjit Murlidhar Pawar and ors.	 Respondents

Mr. Sandeep Salunkhe for the Applicant.
Mr. Sumit V. Khaire for Respondent No.1.
Mr. P.H. Gaikwad, APP for the State.
Mr. Mahesh Vidhate, API, Baramati Taluka Police Station.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 16th SEPTEMBER, 2021.

P. C. :-

. This is an Application under Section 439(2) of Cr.P.C. for cancellation of pre-arrest bail granted to Respondent No.1 vide order dated 15/04/2017 passed by the Additional Sessions Judge, Baramati in Criminal Anticipatory Bail No.158/2017.

2. Heard Mr. Sandeep Salunkhe, learned counsel for the Applicant, Mr. Sumit Khaire, learned counsel for Respondent No.1 and Mr. P.H. Gaikwad, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The Respondent No.1 was married to the daughter of the Applicant on 17/02/2009. The records indicate that there was matrimonial dispute between the Respondent No.1 and his wife i.e., the daughter of the Applicant. The daughter of the Applicant has been residing at her matrimonial home since July, 2012. The contention of the Applicant is that immediately after the marriage, the Respondent No.1 had demanded a bullet motor cycle. The Applicant has alleged that in April 2012, he had permitted Respondent No.1 to use his bullet motor cycle. The grievance of the Applicant is that the Respondent No.1 has refused to return the bullet motor cycle and further got it registered in his name.

4. The records prima facie indicate that the Applicant was aware about the transfer of the motor cycle on 28/11/2016 despite which the first information report came to be filed on 18/03/2017. The learned Judge has considered this aspect and after considering the material on record, has observed that the first information report arises from a matrimonial dispute. The learned Judge has also held that the Respondent No.1 has no criminal antecedents and on considering the facts and circumstances of the case, granted pre arrest bail. The order is neither perverse nor suffers from infirmity.

5. Learned APP states that charge sheet has been filed on 18/03/2017 which is registered as RCC No.288/2018. It is stated that the Respondent No.1 has been granted regular bail and he has not misused the liberty. Considering the facts and circumstances, in my considered view, no case is made out for cancellation of bail. Hence, the Application is dismissed.

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(SMT. ANUJA PRABHUDESSAI, J.)