

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.296 OF 2018

Doyal Shonak Chatterjee .. Applicant

Vs.

Partha Gourlal Chatterjee & Ors. .. Respondents

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Mr. Rushikesh Kale i/b Mr. Viresh V. Purwant for the Applicant.

Ms. S.S. Kaushik, A.P.P. for the State.

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CORAM : SMT. BHARATI DANGRE, J.

DATED : 16TH MARCH, 2021.

P.C:-

1. By the present application, the Complainant has sought cancellation of the protection granted under Section 438 of the Code of Criminal Procedure, to respondent Nos.1 and 2, who were arraigned as accused in C.R. No.I-198 of 2017 thereby invoking Sections 498(A), 406, 323, 504, 420 read with Section 34 of the IPC.

2. With the assistance of learned counsel for the Applicant

AJN

and learned A.P.P., I have perused the application for cancellation of bail. The ingredients of cancellation of bail as stipulated in Section 439(2) of the Cr.P.C., are not at all made out in the said application. The order passed by the Additional Sessions Judge, Thane has considered the aspect of the *Stridhan* and has recorded that it is a different issue which is not covered under the Cr.P.C. and also noted that the locker was lastly operated by the Complainant herself and, therefore, the allegations levelled loses its credibility. Recording that no custodial interrogation of respondent Nos.1 and 1 is necessary, they were admitted to the protection.

3. No illegality, worth consideration, is brought to my notice. The impugned order granting bail withstand the legal parameters for grant of bail. Hence, the Application is dismissed.

SMT. BHARATI DANGRE, J.