

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

CRIMINAL APPLICATION NO. 358 OF 2018

Janaki Anand Thakker @ Janki Bhate ... Applicant

Versus

Anand Madhusudan Thakker & Anr. ... Respondents

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Mr. Mithilesh Mishra i/by Mr. Vikram R. Sutaria, Advocate for the Applicant.

Mr. Y. Y. Dabake, APP for the Respondent – State.

Mr. C. B. Mohite, (P.S.I.) Malbar Hill Police Station, Mumbai, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 27th AUGUST, 2021.

PER COURT:

1. This is an application for cancellation of anticipatory bail granted to respondent No.1 vide order dated 10th October, 2017.

2. The applicant is the original complainant. The First Information Report (for short 'FIR') was lodged vide C.R. No. 96 of 2013 with Malbar Hill Police Station, Mumbai for offences under Sections 498-A, 406 & 506 r/w Section 34 of Indian Penal Code (for short "IPC").

3. The respondent No.1 is the husband of the applicant.

On account of matrimonial discord, the FIR was registered. The respondent No.1 preferred an application for anticipatory bail before the Court of Sessions which was allowed vide order dated 10th October, 2017.

4. Learned APP on instructions from the Police Officer, who is present in the Court submitted that respondent No.1 had preferred an application for discharge from the case before the trial Court which has been allowed vide order dated 13th May, 2013. He produced the photocopy of roznama of trial Court dated 13th May, 2019 indicate that the accused Anand Madhusudan Thakker is discharged from the case.

5. Learned counsel for the applicant submitted that allegations in the FIR were serious. The learned Sessions Judge ought not to have granted anticipatory bail to respondent No.1.

6. Since the proceedings does not exists against respondent No.1, Since he has been discharged by the trial Court there is no ground to set aside impugned order. It is pertinent to note that pursuant to order granting anticipatory bail charge-sheet was filed. Thereafter, the respondent preferred application for discharge, which is allowed.

7. In these circumstances, this application cannot be entertained and the same is rejected and stands disposed of accordingly.

(PRAKASH D. NAIK, J.)