

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Criminal Application (APPLN) No. 35 of 2021

Barkha D/o Gajanan Burkul Vs. State of Maharashtra Through Police Station
Officer, P.S. Buldhana City and Others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A.J. Thakkar, Advocate for the applicant
Mr. A.R. Chutke, APP for the respondent No.1

CORAM : MANISH PITALE, J.

DATED : JULY 12, 2021

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. By this application, the applicant / original informant is seeking cancellation of bail under Section 439(2) of the Code of Criminal Procedure.

3. By the order dated 28/04/2021, the Sessions Court at Buldhana has granted anticipatory bail to respondents No.2 to 5. The said respondents are parents and other relatives of the main alleged accused in the present case.

4. A perusal of the impugned order shows that the applicant claims that the said respondents were

also responsible for marriage fixed between her and Sagar Wairalkar, being broken at the 11th hour. It was the case of the applicant that custody of the said respondents was necessary in the facts and circumstances of the present case.

5. The FIR in the present case has been registered under Sections 376, 143, 146, 323 and 506 of the Indian Penal Code. As noted above, the allegations appear to be that the accused No.1 Sagar had sexual intercourse with the applicant on false promise of marriage and that despite notice of intended registration of marriage, the said marriage was broken, allegedly at the behest of the respondents No.2 to 5 also.

6. The Sessions Court has taken into consideration the nature of allegations and it is found that *prima faice* the respondents No.2 to 5 could not be held responsible for the grievance of the applicant. The reasons given for grant of anticipatory bail are found to be justified in the facts and circumstances of the present case. The Sessions Court has given a finding that there are no chances of the respondents No.2 to 5 fleeing away from the jurisdiction of the Court. Appropriate conditions have been imposed while passing the order dated 28/04/2021.

7. Hence, this Court is of the view that no ground for exercise of Section 439(2) of the Code of Criminal Procedure have been made out by this Court. Accordingly, the application is dismissed.

JUDGE

MP Deshpande