

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

CRIMINAL APPLICATION (APPLN) NO. 45 OF 2021

Barkha d/o Gajanan Burkul

vs.

State of Maharashtra and one

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

Court's or Judge's orders

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

CORAM : MANISH PITALE J.

DATED : 22/07/2021

Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. By this application under Section 439(2) of the Criminal Procedure Code (Cr.PC.), the original informant/complainant is before this Court, seeking cancellation of bail granted to the respondent No.2.

3. According to the learned counsel for the applicant, the respondent No.2 is the main accused person for offences registered under Section 376, 143, 146, 323 and 506 of the Indian Penal Code (IPC) as per Crime No.213 of 2021 registered at Police Station, Buldhana City.

4. It is admitted position that this Court dismissed a similar application for cancellation of bail filed by the applicant herein, concerning grant of anticipatory bail to the other accused persons.

5. In the present case, the order dated 01/06/2021, passed by the Sessions Court granting bail to the respondent No.2, shows that the Court has observed that there was relationship between the applicant and the respondent No.2 and that the said respondent was ready for the purposes of medical examination. It was found that in the facts and circumstances of the present case, the custody of the respondent No.2 was not necessary.

6. This court has perused the aforesaid order passed by the Sessions Court. The concerns of the applicant informant have been taken into consideration in detail and reasons have been given for granting bail to respondent No.2.

7. When this application was listed on 12/07/2021, this Court adjourned the same for the learned APP to take instructions in the matter, particularly in the backdrop of allegations made on behalf of the applicant that the respondent No.2 was not co-operating with the investigation.

8. Today, when the application is called out for hearing, the learned APP on the specific instructions of

the Investigating Officer, who is present in Court, stated that the respondent No.2 has indeed co-operated with the investigation. He has appeared before the Investigation Officer, subjected himself to medical examination and articles, such as clothes and motorcycle etc. have been seized from the respondent No.2.

9. This Court is satisfied that in the facts and circumstances of the present case, the Sessions Court did not err in granting conditional bail to the respondent No.2 by order dated 01/06/2021. This Court is also satisfied with the statement made on behalf of the Investigating Officer that the respondent No.2 has been co-operating with the investigation.

10. In view of the above, present application is dismissed.

JUDGE