

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

Criminal Application (APPLN) No. 50 of 2020

Bhushan Hate Vs. State of Maharashtra through P.S. Mankapur & Anr.

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

Court's or Judge's orders

Mr. H.D. Futane, Advocate for the applicant
Mr. S.D. Sirpurkar, APP for the respondent No.1

CORAM : MANISH PITALE, J.

DATED : AUGUST 09, 2021

By this application, the applicant (original informant) has approached this Court seeking cancellation of bail granted to respondent No.2 (original accused No.1).

2. In the present case, an FIR dated 15/10/2020, was registered against the respondents No.2 to 4 for offences under Section 306, 498-A, 304-B read with 34 of the Indian Penal Code. The allegation was that the accused persons acted in such a manner that they drove the victim to suicide. The applicant before this Court is the brother of the deceased. The incident of the alleged suicide took place on 27/09/2020. A perusal of the order dated 28/10/2020, granting bail to the respondent No.2 shows that the material on record has been considered in detail and thereafter conditional bail has been granted.

3. Mr. Futane, learned counsel appearing for the applicant invited attention of this Court to the impugned order to emphasize that the Sessions Court in the present case unnecessarily made observations as regards the alleged mental health of the victim. Serious objection is raised to such observations and it is contended that the Sessions Court relied upon such observations, *inter-alia*, while appreciating the material on record and granting bail to the respondent No.2.

4. This Court has perused the aforesaid order dated 28/10/2020, passed by the Sessions Court. The material on record is taken into consideration and conditional bail is granted. There does not appear to be any error in the approach adopted by the Sessions Court. Insofar as the concern of the applicant regarding observations made regarding the mental health of the victim is concerned, suffice it so say that observations made in the said order shall not influence the proceedings before the concerned Court during the course of trial.

5. The application stands dismissed with above observations.

JUDGE