

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR CANCELLATION OF BAIL
NO.24 OF 2022

Ravindra Bhimashankar Dahale

...APPLICANT

VERSUS

1) The State of Maharashtra,

2) Santosh Sopan Burhade

...RESPONDENTS

...
Mr.S.V. Natu Advocate for Applicant.
Mr.A.M. Phule, A.P.P. for Respondent No.1 - State.
...

CORAM: SMT. VIBHA KANKANWADI, J.

DATE : 14th FEBRUARY, 2022

ORDER :

1. Present application has been filed by the applicant under Section 439(2) of the Code of Criminal Procedure for cancellation of bail granted to respondent No.2 in Criminal Misc. Application No.2 of 2022 by the learned Additional Sessions Judge, Ahmednagar on 28th January 2022.

2. Respondent No.2 was enlarged on regular bail in Crime No.1125 of 2021 registered with Tophkhana Police Station, Ahmednagar for the offence punishable under Sections 304-B, 323, 504, 506 read with Section 34 of the Indian Penal Code.

3. Heard learned Advocate Mr. Natu for the applicant and learned APP Mr. Phule for respondent No. 1 – State. In order to cut-short, it can be stated that both the sides have made submissions in support of their respective contentions.

4. Perusal of the First Information Report would show that applicant – informant is the father of deceased Rohini. Rohini got married to one Prashant Santosh Burhade i.e. son of respondent No.2 on 19th February 2019. He has made allegations regarding alleged extra marital affair of his son-in-law, harassment of his daughter by her husband Prashant, so also demand of Rs.50,00,000/- (Rupees Fifty Lakh) as dowry for expansion of business and purchasing new shop premises. Minute scrutiny of the First Information Report would show that as regards respondent No.2 (father-in-law) is concerned, it is in the form of that he was not talking properly with Rohini and was speaking in favour of Prashant and also it is stated that he was also demanding amount of Rs.50,00,000/-. It is also stated that

present respondent No.2 was not giving any kind of advise to his son.

5. It is to be noted that respondent No.2 was arrested on 25th December 2021 and was in PCR till 29th December 2021. That means there was every opportunity to the Police to make custodial interrogation as against respondent No.2. Nothing was to be recovered from respondent No.2. It is unfortunate that the girl who got married in 2019 has committed suicide in 2021. However, the allegations against present respondent No.2 are yet to be proved. It would take long time to stand the trial, since the investigation appears to be not yet complete or the charge-sheet is not yet filed. Under these circumstances, if respondent No.2 was granted regular bail, it cannot be said that the said order is illegal. The parameters have been properly considered by the said Court and therefore, there is no question of interference by this Court. The liberty so granted to respondent No.2 cannot be taken away for the reasons mentioned in the Application. Hence the Application stands rejected.

[SMT. VIBHA KANKANWADI , J.]