

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR CANCELLATION OF BAIL NO.105 OF 2022

MEERABAI W/O. DIGAMBAR WALEKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicant : Mr. Nanabhau R. Thorat
APP for Respondent : Mr. S. B. Narawade
...

CORAM : S. G. MEHARE, J.

DATE : 03-08-2022

PER COURT :-

1. Heard the learned counsel for the applicant.
2. The learned counsel has argued that the learned Sessions Court granted bail without considering the papers. The serious offence has been committed by the respondents/accused. The delay has been explained. The accused had threatened the deceased. Doctor has written some incident on the paper about intervention by the accused in the hospital. However, it does not bear any stamp and signature. It is also not clear why he has not the report against the accused. The learned counsel for the applicant has also alleged against the Investigating Officer that he has not produced video shooting, before the Sessions Court.

3. The case of the prosecution is based upon the suicide note. However, the learned counsel for the applicant has vehemently argued that the learned Sessions Court has not considered the documents properly.

4. In the case of ***Puran, Shekhar And Anr vs Rambilas & Another, Appeal (Crl.) 599 and 600 of 2001 decided on 03.05.2001***, the principles have been laid down for cancellation of bail by the High Court. If the material placed on record has not been considered by the Sessions Court and the order is arbitrary, then the bail may be cancelled. Herein the case, the learned Sessions Court considered suicide note, which is the basic document for registering the crime.

5. The scope of the application before this Court is very limited as laid down by the Apex Court in Puran's case (*supra*). After having gone through the record, this Court has not satisfied that the learned Sessions Court did not consider the material placed before him. The learned counsel for the applicant has also not been able to satisfy the Court that the order granting bail passed by the learned Sessions Court is arbitrary. For these reasons, this Court does not find any substance in the application. Hence, the application stands dismissed summarily.

(S. G. MEHARE)
JUDGE