

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**APPLICATION FOR CANCELLATION OF BAIL NO.224 OF 2022**

SMT. BHARTI MAHESH RANA  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

...  
Mr. Rajendra Mohan Sharma, Advocate for Applicant  
Mrs. P. V. Diggikar, APP for Respondent – State  
...

**CORAM : NITIN B. SURYAWANSHI, J.**

**DATE : 14<sup>th</sup> DECEMBER, 2022**

**PER COURT :**

1. Applicant by this application filed under Section 439(2) of the Code of Criminal Procedure, seeks cancellation of anticipatory bail granted to respondent Nos. 2 and 3 by the Sessions Court in Crime No.100/2022, registered with Azadnagar Police Station, Dhule, for offences punishable under Sections 302, 392, 504, 506 read with 34 of the Indian Penal Code.
2. The alleged offence is committed on 28/07/2018. According to applicant/informant, police authorities were not registering FIR and therefore, she approached learned Chief Judicial Magistrate First Class, Dhule, by filing complaint, seeking direction under Section 156(3) of the Code of Criminal Procedure. Upon direction of learned Chief Judicial Magistrate First Class, Dhule, FIR is registered and investigation is commenced.

3. Heard learned advocate for applicant and learned Additional Public Prosecutor for respondent – State. Perused the investigation papers.

4. Learned advocate for applicant vehemently submits that respondents have committed offence of murder and in such a serious case Sessions Court has erred in granting anticipatory bail to the respondents. Respondents being police officers will tamper prosecution evidence. He, therefore, submits that anticipatory bail granted in favour of respondents deserves to be cancelled.

5. Learned Additional Public Prosecutor has placed on record papers of investigation. On instructions, she states that investigation is almost complete and Investigating Officer intends to file 'B' summary final report in the matter.

6. Perusal of investigation papers shows that as per medical opinion, cause of death is 'Cerebral and Bilateral Pulmonary Edema'. Thus, the deceased appears to have died natural death. Investigating Officer sought clarification from Forensic Department on following points:-

- (1) Whether there can be swelling on the brain due to natural reasons and whether it can cause death of a person?
- (2) Whether there can be abrasions due to dizziness?
- (3) There is no surface injury on the head of the deceased, so whether his death was caused naturally?

Forensic Department has issued following clarifications:-

- (1) There can be swelling on the brain due to natural reasons and it can cause death of a person.
- (2) Yes there can be abrasions due to dizziness if a person falls down.
- (3) The death of deceased was natural as there was no surface injury on the head of the deceased.

7. In the light of above, no case is made out by the applicant for cancellation of anticipatory bail granted to the respondents. Application being devoid of merits, is dismissed.

**(NITIN B. SURYAWANSHI, J.)**