

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

Criminal Application (APPLN) No. 97 OF 2021

Sau. Sarakka W/o Ramesh Naskuri

Versus

State of Maharashtra, through its Police Station Officer,
Police Station Sironcha, Tq. Sironcha, Dist. Gadchiroli

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Shankar Borkute, Advocate for the applicant.
Shri Amit Chutke, APP for the State / Non-applicant
Shri Rahul Kurekar, Advocate for non-applicant nos. 2
and 3.

**CORAM : ANIL S. KILOR, J.
DATED : 13th JUNE, 2022.**

This is an application for cancellation of anticipatory bail granted to the non-applicant nos 2 and 3, who are the in-laws of the deceased who committed suicide.

2. Learned counsel for the applicant submits that there are eight independent witnesses, who have stated in their statements that there was ill-treatment at the hands of in-laws and husband to the deceased and because of harassment the deceased committed suicide. It is further submitted that the learned trial Court has

not considered the statement and on irrelevant consideration the anticipatory bail was granted to the non-applicant nos. 2 and 3. Accordingly, he prays for cancellation of bail on the ground that the learned trial Court had granted anticipatory bail on the irrelevant consideration.

3. On the other hand, learned Additional Public Prosecutor supports the case of the applicant.

4. Shri Kurekar, learned counsel for the non-applicant nos. 2 and 3 points out that while registering the MERG report, the statement of mother of the deceased was recorded, in which there was no allegation made against the non-applicant nos. 2 and 3. However, the reason for suicide was that, the husband of deceased was jobless and he was a drunkard.

5. It is further pointed out that non-applicant nos. 2 & 3 and the complainant are the close relatives. He further points out that deceased committed suicide on 27th July, 2021 whereas report was lodged on 14th September, 2021 i.e. after two months making allegation against the non-applicant nos. 2 and 3.

6. I have perused the chargesheet and also order passed by the learned trial Court granting anticipatory bail to the non-applicant nos. 2 and 3.

7. Learned trial Court has observed that the investigation was almost completed and custody of the non-applicant nos. 2 and 3 was not necessary.

8. Chargeheet shows that in the initial statement given by the mother of the deceased on 31st July, 2021 i.e. after three days from the date of suicide by the mother of the deceased, she did not state anything against the non-applicant nos. 2 and 3. There was no mention of harassment at the hands of non-applicant nos. 2 and 3, however, after two months of the incident, the First Information Report came to be lodged and allegation against the non-applicant nos. 2 and 3 were made.

9. After going through the findings recorded by the learned trial Court, it can be seen that some of the findings are not recorded properly by the learned trial Court. However, ultimate conclusion granting bail to the non-applicant nos. 2 and 3 is sustainable in the eyes of law. As such, there is no perversity in the findings recorded by the trial Court and as there are no supervening circumstances, I am of the opinion that no ground is available for cancellation of bail granted to the non-applicant nos. 2 and 3. Accordingly, the application is rejected.

[ANIL S. KILOR, J.]