

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

APPLICATION FOR CANCELLATION OF BAIL NO.46 OF 2022

**SUNITA SOMNATH KALE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

**WITH
APPLICATION FOR CANCELLATION OF BAIL NO.47 OF 2022**

**SUNITA SOMNATH KALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Applicant : Ms. Gore Asha N
APP for Respondent/State : Mr. S.B. Narwade

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CORAM : S.G. MEHARE, J.

DATED : JANUARY 10, 2023

PER COURT:-

1. Heard learned counsel for the applicant. None present for the respondents.
2. The applicant is seeking cancellation of bail on various grounds. One of the ground is that the respondents have continuously threatened the complainant and the witnesses to take back the case and not allowing them to go at their farm to cultivate and insisting her to deposit the cost of Rs.2 lac. The other grounds are in the form of appeal memo raising the objections what the trial Court should have considered. The offence is serious; hence, the bail granted to the respondents may be cancelled.

3. Perused the order granting bail. The Court had discussed the facts in detail. The Court also observed that the alleged social boycott was nine years old. No complaints were lodged; however, the report was lodged after the death of husband of the applicant. The witnesses did not support the meeting of Jaat Panchayat. Though the meeting was recorded in video by one of the witness, it was not produced on record. Most of the witnesses are *inter se* related. The Court also considered the length of languishing the accused in jail and then granted the bail.

4. If the applicant has any grievance that the respondents/accused are pressuring her and the witnesses and breached the terms of conditions, a remedy to the applicant is to approach the Court granting bail. As far as the powers of this Court cancelling the bail, the person claiming the cancellation of bail must show that there were overwhelming circumstances that needs cancellation of bail. The Court granting bail did not considered the material or considered the material which was inadmissible. The order is arbitrary or perverse.

5. The record reveals that there was a checkered history. The respondents were the witnesses to the incident of murder allegedly committed by the deceased husband of the applicant.

6. The grievance of the applicant was that the respondents were not allowing her to cultivate her field and forcing her to pay the

amount of cost determined by the Jaat Panchayat long back. It has also been alleged that they were socially boycotted. The offence under the Maharashtra Protection of People From Social Boycott (Prevention, Prohibition and Redressal) Act, 2016 has also been registered. The said act has taken care of providing for the assistance or help to the victim. Section 12 of the said Act is very specific, empowering the Magistrate to direct the police and other concerned authorities to provide the victim and his family, any kind of assistance or help that he thinks necessary till the conclusion of the trial. It has been stated that the applicant has already applied to the Collector. The legal remedy is available to the applicant to seek the redressal and assistance or help by moving an appropriate order in the Court of law.

7. Perusal of the order granting bail reveals that it is a well reasoned order. There were no overwhelming circumstances to cancel the bail. The order is neither arbitrary nor perverse. Hence, it is not a fit case to cancel the bail granted to the respondents. For these reasons, both applications stand dismissed.

(S.G. MEHARE, J.)