

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

APPLICATION FOR CANCELLATION OF BAIL NO.59 OF 2023

Ankush S/o Tukaram Sagale,
Age : 50 Years, Occ. Agriculture,
R/o. Sangale Wadi, Taluka Pathoda,
District Beed.

... Applicant

VERSUS

1. The State of Maharashtra,
Through Police Inspector,
Jamkhed Police Station,
Tq. Jamkhed, Dist. Ahmednagar.

2. Surekha W/o Dilip Chavan,
Age : 48 years, Occ. Household,
R/o. Santaji Nagar, Jamkhed,
Taluka Jamkhed, Dist. Ahmednagar.

.. Respondents

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Advocate for the Applicant: Mr. N.R. Thorat
A.P.P. for respondent No.1 : Mr. Y. G. Gujarathi
Advocate for respondent No.2 : Mr. A.S. More

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CORAM : S. G. MEHARE, J.

DATE : 01.08.2023

ORAL ORDER :

1. Heard the learned counsel for the Applicant, the learned A.P.P. for respondent No.1/State and the learned counsel for respondent No.2.

2. It is unfortunate that instead of thinking about the welfare and care of a child born to her deceased daughter, the Applicant is trying hard to see the Applicant, the grandmother of a child born to his deceased daughter. The Applicant has applied for cancellation of bail granted to respondent No.2 by the learned Additional Sessions Judge, Shrigonda, on the ground that she has obtained bail from the Court on the false submissions that there was no other woman in the family to take care and look after a small child of the deceased. Factually her other daughter-in-law was there to take his care better. However, this fact was suppressed, and bail was obtained. Therefore, the bail is liable to be cancelled.

3. The learned counsel for respondent No.2 submits that respondent No.2 is the grandmother of the child who needs care and protection. The bail was sought on the ground that there was no other female member in the family to look after the child. Respondent No.2 has another daughter-in-law. Respondent No.2 is the grandmother who can take better care than anybody in the family. In that premise, the application was filed, and bail was sought, but that does not mean that the facts were suppressed to get bail. This seems to be a mischievous application only to harass respondent No.2, who has no role to play in the alleged incident.

4. Perused the impugned order. The Applicant is the grandfather of the child, who needs care and protection. Instead of thinking about the right things, the grandfather came to the Court for cancellation of bail to see the grandmother, the nearest family member, to take care of the child and see her behind bars. The grandmother may be the better female to care for the child than the real aunt. A real aunt must have her own children. She has to look after her children. In the facts situation, the Court is of the view that the applicant being the grandmother of the child, is the best person to take care of the child. The Court is not satisfied with the arguments and objections raised by the learned counsel for the applicant. There appears to be no perversity and arbitrariness in the orders granting bail. There are also no overwhelming circumstances to cancel the bail granted to respondent No.2 by the learned Additional Sessions Judge, Shrigonda, by order in Criminal M.A. No. 100 of 2023, dated 15.02.2022.

5. For the above reasons, the application stands dismissed.

(S. G. MEHARE)
JUDGE

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