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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR CANCELLATION OF BAIL NO.160 OF 2020

Shaikh Parveen Shaikh Aref

APPLICANT

VERSUS

The State of Maharashtra and Another

RESPONDENTS

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Mr. N. B. Narwade, Advocate for the applicant

Mr. A. V. Deshmukh, APP for respondent - State

Mr. A. P. Lohade h/f Mr. S.S.Ladda, Advocate for respondent No.2

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 24th JANUARY, 2023

ORDER :

1. By this application, filed under section 439 (2) of the Criminal Procedure Code, the applicant seeks cancellation of anticipatory bail in Crime No. I-308 of 2020 registered with Satara Police Station, Aurangabad for offence punishable under section 376 (2), 506 of the Indian Penal Code, granted in favour of respondent No.2 by the learned Additional Sessions Judge, Aurangabad vide order dated 23rd October, 2020 passed in Bail Petition No. 1500 of 2020.
2. Heard learned advocate for the applicant, who has strenuously urged that the order passed by the learned

Additional Sessions Judge is erroneous and in view of the serious allegations levelled against respondent No.2, respondent No.2 does not deserve to be released on anticipatory bail. He, therefore, submits that the impugned order is perverse and is liable to be quashed and set aside and the anticipatory bail granted in favour of respondent No.2 is liable to be cancelled.

3. Learned Additional Public Prosecutor submits that in view of documents on record, appropriate order may be passed.

4. Learned advocate for respondent No.2 submits that the Additional Sessions Judge has properly appreciated the allegations and the investigation papers and has rightly granted anticipatory bail to respondent No.2. He supports the impugned order. He further submits that charge sheet is filed in the present matter in the year 2021 in the Court of Judicial Magistrate First Class - 13, Aurangabad and the case is numbered as RCC No. 589 of 2021 and the same is pending for appearance and next date is kept on 18th February, 2023. He, therefore, submits that since charge sheet is already filed and the case is pending for appearance, this application may not be entertained.

5. Considering the subsequent development of filing of charge sheet, it is not desirable to cancel the anticipatory bail granted

by the Additional Sessions Judge, in favour of respondent No.2, vide order dated 23rd October, 2020, after a lapse of more than two years. The application is, therefore, rejected.

[NITIN B. SURYAWANSHI]
JUDGE

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