

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR CANCELLATION OF BAIL NO.208 OF 2021

Namrata W/O. Amol Kamble ...Applicant

Versus

The State Of Maharashtra And Others ...Respondents

Mr. A.S. Jagtap h/f. D.M. Mane, Advocate for the applicant.
Mrs. R.P. Gaur, APP for respondents.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 7th JANUARY, 2023

ORDER :

1. The learned advocate for the applicant undertakes to remove office objections within one week from today.

2. This application is filed seeking cancellation of anticipatory bail granted to respondents No. 2 to 4 in Crime No. 467/2021, registered with Omerga Police Station, Osmanabad, for the offences punishable under sections 420, 198-A, 323, 504 read with 34 of the Indian Penal Code.

3. Applicant-wife lodged FIR alleging that respondents No. 2-husband and respondents No. 3 and 4- in-laws ill treated

her after marriage. Respondent No. 2 is impotent and this fact was suppressed by in-laws at the time of marriage. She was ill treated for bringing money from her maternal home. She was given physical and mental harassment.

4. Respondents No. 2 to 4 filed Criminal Bail Application No. 129/2021, seeking anticipatory bail which was allowed by the Sessions Court vide order dated 25.08.2021. Informant-wife seeks cancellation of anticipatory bail granted by the Sessions Court.

5. Heard the learned advocate for the applicant and learned Additional Public Prosecutor. Perused the documents.

6. The learned advocate for the applicant strenuously urged that the prosecution has not properly opposed the bail application before the Sessions Court and in a very casual manner say was filed to oppose bail application. According to him, serious allegations are levelled against the respondents No. 2 to 4, which are ignored by the Sessions Court while granting anticipatory bail. He therefore prays that the anticipatory bail granted by the Sessions Court to respondents No. 2 to 4 be cancelled.

7. Perusal of documents placed on record and order granting anticipatory bail shows that custodial detention of the respondents No. 2 to 4 is not necessary in the facts of the present case as nothing is to be recovered from the respondents No. 2 to 4. Therefore, the Sessions Court has rightly granted anticipatory bail to respondents No. 2 to 4.

8. Order granting anticipatory bail to the respondents No. 2 to 4 is dated 25.08.2021 and charge sheet is filed on 28.12.2021 and case is numbered as Regular Criminal Case No. 16/2022. In that view of the matter also, it is not desirable to cancel the anticipatory bail granted to respondents No. 2 to 4. The application being devoid of merit, is dismissed.

[NITIN B. SURYAWANSHI, J.]