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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR CANCELLATION OF BAIL NO.228 OF 2022

Nikita Shivraj Telange

APPLICANT

VERSUS

The State of Maharashtra and Others

RESPONDENTS

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Mr. Vivek Vasantrao Bhavthankar, Advocate for the applicant

Mrs. R. P. Gour, APP for respondent - State

Mr. Shrirang Katneshwarkar h/f Mr. S. P. Katneshwarkar,
Advocate for respondents No.2 and 3

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 5th JANUARY, 2023

ORDER :

1. This application is filed by the informant under section 439 (2) of the Criminal Procedure Code seeking cancellation of anticipatory bail granted by the Sessions Court to respondents No.2 and 3.

2. Applicant – daughter in law of respondents No.2 and 3, lodged the FIR on 7th September, 2022 alleging that her marriage with son of respondents No.2 and 3 namely Shivraj, was solemnized on 7th January, 2021. Her husband is serving as Manager in Shriram Finance Compay, Vasmat. The informant was

staying along with her husband and in laws at residential colony of Purna Sahakari Sakhar Karkhana, Babhulgaon. After two weeks of the marriage, in laws started harassing her saying that her marriage was not performed properly. Though she was pregnant, she was not given adequate nutritious food. On 24th September, 2021 a male child was born and he was named as Shivansh. On 30th July, 2022, her husband went on duty and in the afternoon at 1.30, while she was breast feeding her child, she slept off, at that time, her mother in law strangled her with a rope, at that time father in law pressed her mouth. She became unconscious and regained consciousness after 4 days, while in hospital. After discharge from the hospital on 8th August, 2022, she came to her maternal home. Thereafter, she lodged the FIR alleging that her in laws tried to kill her by strangulation.

3. Respondents No.2 and 3 filed Criminal Bail Application No. 236 of 2022 seeking anticipatory bail, which was allowed by the Sessions Court, by order dated 1st October, 2022. The applicant seeks cancellation of anticipatory bail granted to respondents No.2 and 3.

4. Heard learned advocate for the applicant, learned Additional Public Prosecutor for the State and the learned advocate for respondents No.2 and 3. Perused the investigation

papers.

5. It is revealed during the course of investigation that the informant had hanged herself and she was saved by the neighbours. At the time of the incident, both in laws were outside the house and the door of the room in which the informant hanged herself, was locked from inside. There is no proper explanation of delay in lodging FIR. *Prima facie*, it appears that afterthought FIR is lodged by the informant against respondents No.2 and 3.

6. Sessions Court, after considering the investigation papers and the medical certificate in which it is opined that the informant had hanged herself, exercised discretion in favour of respondents No.2 and 3 and granted anticipatory bail to them.

7. The rope, allegedly used in the offence, is already recovered. Nothing is to be recovered from respondent – accused. Learned Additional Public Prosecutor informs that charge sheet is already filed in the matter on 14th December, 2022. Thus, pre-trial custodial detention of the respondent – accused is not necessary in the facts of the present case. The Sessions Court has rightly exercised discretion in favour of the respondent – accused and no case is made out by the applicant

to cancel the anticipatory bail granted in favour of respondents No.2 and 3. The application being devoid of merits, is dismissed.

[NITIN B. SURYAWANSHI]
JUDGE

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