

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPEAL NO. 8 OF 2023

Jayashri Anil Lokhande

Appellant

Versus

The State of Maharashtra & others

Respondents

Mr. Shaikh Mazhar A. Jahagirdar, Advocate for the appellant.

Mrs. G. L. Deshpande, APP for the State.

Mr. S. S. Jadhavar, Advocate for respondents No. 2 to 4.

CORAM : R. M. JOSHI, J.

DATE : 21st JULY, 2023.

PER COURT :

1. Learned counsel for appellant seeks leave to file copy of charge-sheet on record. Leave granted.
2. This appeal is for cancellation of anticipatory bail granted by learned Sessions Court in Bail Application No. 260/2022 in connection with Crime No. 954/2022 registered with Shrirampur City Police Station for the offence punishable under Section 306 read with Section 34 of the Indian Penal Code.
3. Heard learned counsel for both the sides.

4. Perusal of the First Information Report shows that it is the case of the informant that her son aged about 16 years committed suicide on 15th October, 2022. It is alleged by the informant that present respondents No. 2 to 4 used to cause harassment to the child. It is specifically stated that he was not permitted to participate in the camp of NCC. With these contentions, it is alleged that these respondents have abetted the act of commission of suicide by the child.

5. Though some statements are referred to from the charge-sheet, more particularly, statement of the class teacher of the unfortunate child, learned counsel for the appellant was unable to show as to whether any complaint of whatsoever nature was made by the present informant or anyone else in connection with this alleged harassment prior to lodging of the First Information Report. Prima facie perusal of the First Information Report clearly shows that the boy was injured. It is specifically stated in the report that though the injury was not enough to declare him unfit, in order to cause harassment to him, he was not included in the NCC camp. This contention of informant in the First Information Report clearly indicates that it is not the case that without any reason the child was

not included in the camp. Even if the statements made in the First Information Report are accepted, there is no reason to believe that these respondents had intention to force the child to commit suicide.

6. The law on the point of cancellation of bail is trite. Bail cannot be cancelled casually on the application of the informant. There is no allegation that the applicants have breached conditions of order granting bail. There is no extraordinary circumstance shown for cancellation of bail. No doubt, it is open for the Court to cancel the bail provided that the material on record is not considered or wrongly considered by the Court below. No such case is made out by appellant. Here in this case, this Court is of the opinion that no offence under Section 306 of the Indian Penal Code is made out against the respondents herein. Hence, no case is made out for cancellation of bail.

7. In view of above, appeal stands dismissed.

(R. M. JOSHI)
Judge