

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT NAGPUR, NAGPUR.

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CRIMINAL APPLICATION (APPLN) NO.146/2022

Sara Kausar w/o Mohd. Azhar

.. Applicant

versus

The State of Maharashtra
and three others

.. Respondents

.....
Ms.M.Ateeb, Advocate for the applicant

Mr I.J.Damle, APP for Respondent no.1-State

Mr. A.M. Haque, Advocate for Respondents 2 to 4
.....

CORAM: ANIL L. PANSARE, J.

DATED : 27th January, 2023.

PC:

Heard learned counsel for both the parties.

2. The applicant/informant has preferred this Application seeking cancellation of pre-arrest bail granted to the non-applicant nos. 2 to 4 by this Court vide order dated 28th November, 2022 in Criminal Application (ABA) No. 769/2022.

3. The Non-applicants 2 to 4 are the in-laws of the applicant/informant, who had preferred an application seeking anticipatory bail in Crime No.480/2022 registered at the instance of informant/applicant at Police Station, Khamgaon, Dist. Buldana for the offences punishable under sections 498A, 354(A), 354(C), 323, 504, 506 r/ws.34 of IPC read with Sections 3 and 4 of the Dowry Prohibition Act, 1961. This Court having found merit in the application was pleased to allow the same.

4. The learned counsel for the applicant submits that the order has been obtained by suppressing the material facts. She submits that the

criminal antecedents have been suppressed. According to her, a FIR has been lodged against the non-applicant nos. 3 and 4 vide Crime No. 720/2021 registered with Police Station Dabki Road, Akola for the offences u/ss. 435 and 436 of the IPC. The learned counsel for the non-applicants 2 to 4, however, submits that the FIR is lodged only against the non-applicant no.3. Unfortunately the applicant has not filed copy of the FIR to understand the correct status.

5. The learned counsel for the non-applicants 2 to 4 has invited my attention to the say filed by the prosecution before the learned Sessions Court, the copy of which was placed before this Court in application seeking pre-arrest bail. The aforesaid crime has been referred to in the say opposing the application filed by the non-applicants before the Sessions Court.

6. Thus, it appears that though the non-applicants have not mentioned in their application the registration of the FIR, it is not the case of the applicant that the Court was unaware of the fact of registration of FIR against the non-applicant nos. 3 and 4. It is further not the case of the applicant/informant that the non-applicants 2 to 4 have misused the liberty granted to them. In the circumstances, it will not be proper to cancel the anticipatory bail granted to the non-applicants 2 to 4.

7. In the result, there is no substance whatsoever in the instant Application. The same being without merit, is rejected.

[ANIL L. PANSARE, J.]

sahare