

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR CANCELLATION OF BAIL NO. 161 OF 2023

Manish Yuvaraj Surwade

VERSUS

The State Of Maharashtra And Others

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Advocate for Applicant : Mr. Jadhav Yogesh H.

APP for Respondent/State : Mr. S.B. Narwade

Advocate for Respondent Nos.2 & 3 : Mr. Patil Vinod Prakash

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CORAM : S.G. MEHARE, J.

DATED : JULY 23, 2024

PER COURT:-

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for respondent nos.2 and 3.
2. The applicant approached this Court for cancelling the bail granted to non-applicant nos.2 and 3 on the ground that the accused pushed the deceased from the terrace of the house of the accused – Sima. However, the police did not apply correct section and the learned Sessions Court while granting bail also ignored this material fact.
3. Learned counsel for the applicant has vehemently argued that the offence is serious, the learned Additional Sessions Judge, Bhusawal has granted bail mechanically without considering the material available on record. He also submits that another writ petition is pending before this Court for further investigation. The

allegations were levelled against the applicant that there was a CCTV footage capturing the accused pushing the deceased from her terrace.

4. Learned counsel for the accused/respondent nos.2 and 3 has vehemently argued that the CCTV footage recovered during the investigation clearly indicates that the deceased had fallen at his own from the terrace of the house of the accused – Sima. There was no overt act of the accused. It was just an accident but it has been coloured as the case of abetment to commit suicide. The learned Additional Sessions Judge has correctly appreciated the material and granted the bail. There are no errors in exercising the discretion under Section 439 of the Criminal Procedure Code. Hence, the application deserves to be dismissed.

5. Perused the papers. The prosecution has an evidence of CCTV footage which shows that the deceased was falling down from the terrace. The allegations of harassing the deceased for Rs. 4 lac were levelled against them. On the date of the incident, the deceased was in the house of the accused – Sima. There was a clear evidence that the deceased was fallen down with or without the force applied by the accused. Therefore, it should not be accepted at this juncture that the death was due to the acts of respondent nos. 2 and 3. The order granting bail should not be mechanically set aside. There must be certain illegalities for not reading the evidence which was available before the Court. Perusal of the impugned order reveals that the

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learned Additional Sessions Judge considered the entire facts and applied its mind correctly in coming to the conclusion that it is a fit case for bail. The applicant has no ground to warrant the interference in the order granting bail. The application is devoid of merit. Hence, stands dismissed. No order as to costs.

(S.G. MEHARE, J.)