



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR CANCELLATION OF BAIL NO. 177 OF 2023

Shaikh Shagufta W/o Shaikh Ali

....Applicant

VERSUS

The State Of Maharashtra And Others

.....Respondents

.....

Mr. Y.M. Khan, Advocate for applicant.

Mr. S.B. Jadhav, APP for respondent-State.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 19th JANUARY, 2024

ORDER :

1. By this application, applicant seeks cancellation of bail granted to respondent Nos. 2 and 3 by the Sessions Court vide order dated 28.07.2022.

2. Applicant is informant in Crime No. 137/2022, registered with Jintur Police Station, Parbhani, for the offences punishable under Sections 307, 323, 504, 506 read with 34 of the Indian Penal Code. In the said crime, it is alleged that husband of informant Shaikh Ali was killed by his brothers, respondent Nos. 2 and 3 on account of dispute in respect of ancestral property. Respondent Nos. 2 and 3 were arrested pursuant to registration of offence and they were released by Sessions Court vide order dated 28.07.2022. In the bail order, in

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clause (b) a condition is mentioned that, applicants shall maintain law and order and shall not pressurize the witnesses and tamper with evidence in any manner. Applicant filed Criminal M.A. No. 170/2023, seeking cancellation of bail on the ground that respondent Nos. 2 and 3 have violated the condition as they have approached her and pressurized her for not to come in the Court and threatened her and witnesses in the case. They also tried to pressurize informant to settle the matter amicably. On 09.08.2022 their wives came at the house of informant and pressurized her to settle the matter amicably. On 14.09.2022, respondent Nos. 2 and 3 entered in the house of informant and threatened her that she should not oppose the bail application of Accused No. 1 and she should not attend the Court otherwise she will be killed. Information to that effect was forwarded by informant to Deputy Superintendent of Police, Jintur on 14.09.2022. On 15.09.2022 and 16.09.2022, informant also forwarded complaint to Deputy Inspector General of Police, Nanded.

3. Learned Sessions Judge after hearing the parties rejected the application, observing that, at the instance of brother of informant Crime No. 24/2023 for offences punishable

under Sections 324 r/w. 34 of IPC, was registered against respondent Nos. 2 and 3. During the investigation it was disclosed that false complaint was lodged and therefore B summary was filed and same was accepted. Informant and respondents-accused are close relatives and there is dispute going on between them in respect of partition of ancestral property. It is the say of accused that they may not partition the property and informant can take her share by filing suit for partition. Informant tried to put pressure on police for mediation, so that partition should be done and informant can get her share. It also appears that informant and accused resides separately in separate lane. No statement of independent witnesses is recorded which support the case of informant that after release of accused they came to the house of informant and threatened her. Considering totality of circumstances, learned Sessions Judge has rejected the application, rightly so.

4. No case is made out by applicant to cancel the bail granted to respondent Nos. 2 and 3. Application being devoid of merit is dismissed.

[NITIN B. SURYAWANSHI, J.]