



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

994 APPLICATION FOR CANCELLATION OF BAIL NO. 189 OF 2023

USHA BHIMRAO KALE

VERSUS

EKNATH VITTHAL CHAVHAN AND OTHERS

...

Advocate for Applicant : Mr. Adsul D. G.

APP for Respondent/State : Mr.M.K. Goyanka

Advocate for Respondent nos.1 to 3 : Mr. Koralkar Arun Hanumant

...

AND

APPLICATION FOR CANCELLATION OF BAIL NO. 190 OF 2023

USHA BHIMRAO KALE

VERSUS

SUBHASH GOKUL VAIDYA AND OTHERS

...

Advocate for Applicant : Mr. Adsul Dnyaneshwar G.

APP for Respondent/State : Mr.M.K. Goyanka

Advocate for Respondent nos.1 to 4 : Mr.Koralkar Arun Hanumant

...

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 26th June, 2024.

P.C.:

1. Both these applications are arising out of the same crime, hence I am deciding these both applications together by this common order.

2. By these applications, the applicant is seeking cancellation of bail granted to the respondents in F.I.R. no.123 of 2023 registered with Kopargaon Police Station under sections 302, 395, 504, 506, 509 and 120 B read with section 34 of the Indian Penal Code. The said offence is registered as per the order passed by the Additional Chief Judicial Magistrate, Kopargaon on the basis of private complaint filed by the applicant.

3. It is contention of the learned counsel for the applicant that the deceased died due to unnatural death, but this fact is not considered by the trial Court. The learned counsel further submitted that the applicant is wife of the deceased. It is contention of the learned counsel for the applicant that the respondents have caused death of deceased as they assaulted him and due to said assault the deceased died. But while allowing the anticipatory bail applications, the Sessions Court has not considered these facts, hence he requested to cancel the bail of the respondents.

4. It is contention of the learned counsel for respondent nos.1 to 3 in Application No. 189 of 2023 and for respondent nos.1 to 4 in Application no.190 of 2023 that the death of deceased had caused due to heart attack. There is no mention in the postmortem report that external injuries were found on the body of the deceased. The police has investigated the matter and in the investigation, nothing is found against the respondents. Trial Court has granted anticipatory bail to the respondents. No interference is required in the order of the trial Court.

5. Learned APP submits that the appropriate orders be passed.

6. I have heard all the learned counsel.

7. Perused the orders passed by the trial Court. While allowing the anticipatory bail applications of the respondents, the learned trial Court has observed that cause of death of the deceased is due to heart attack. No external injuries were found on the body of the deceased.

On that ground the trial Court has granted anticipatory bail to the respondents. The applicant alleges that the respondents assaulted the deceased and due to said assault, the deceased died. Perused the postmortem report produced on record. In the said postmortem report, there is no mention about the external injuries on the body of the deceased and it is mentioned that death caused due to heart failure. It shows that the death of deceased is not caused due to assault by the respondents, as alleged by the applicant. Hence no interference is required in the orders passed by the trial Court, and I pass the following order :-

ORDER

The applications are rejected.

[SHIVKUMAR DIGE, J.]

sga