



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR CANCELLATION OF BAIL NO. 216 OF 2023

X

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. Sudarshan J. Salunke, Advocate for Applicant

Mr. A.R. Kale, APP for Respondent No.1

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 03rd JANUARY, 2024

PER COURT :

1. By this application, applicant/informant seeks cancellation of anticipatory bail granted in favour of respondent No.2, by the Sessions Court, Osmanabad.
2. Applicant/informant lodged FIR on 18/09/2023 against respondent No.2 alleging commission of offence punishable under Sections 376, 377 and 506 of the Indian Penal Code. Pursuant to registration of offence at C.R. No.400/2023 with Tuljapur Police Station for aforesaid offences, respondent No.2 approached the Sessions Court, Osmanabad, by filing Criminal Bail Application No.562/2023, under Section 438 of Code of Criminal Procedure.
3. The Sessions Court, after hearing the parties and going through investigation papers, allowed the application filed by respondent No.2, observing that, applicant/informant is a married lady who is staying away from husband, admittedly, she has jointly purchased plot with respondent No.2 at Tuljapur by a registered

sale deed dated 10/11/2022 and there is every possibility that dispute might have taken place between applicant and respondent No.2 on account of said property.

4. Learned advocate for applicant, in support of his application, has strenuously urged that Sessions Court has committed error in granting pre-arrest bail to respondent No.2, in spite of there being serious allegation of rape. He further relied on two NCs filed against respondent No.2 about alleged threats given to applicant/prosecutrix.

5. Heard learned advocate for applicant at length, perused the investigation papers.

6. It is a matter of record that second respondent has filed complaint on 14/09/2023 to District Superintendent of Police, Osmanabad, reporting that applicant/prosecutrix is threatening him that he should not claim any right in said plot otherwise she may file complaint of rape against him, FIR in question is lodged on 18/09/2023. Considering these aspects, no fault can be found with the order passed by learned Sessions Judge thereby granting pre-arrest bail to respondent No.2.

7. No case is made out by applicant for cancellation of bail. Application being devoid of merit is dismissed.

(NITIN B. SURYAWANSHI, J.)