

**IN THE HIGH COURT AT BOMBAY  
APPELLATE SIDE, BENCH AT AURANGABAD  
CRIMINAL APPLICATION NO. 5359 OF 2013**

Shweta Shashikant Patil

**....Applicant.**

**Versus**

The State of Maharashtra & Ors.

**....Respondents.**

Mr. B.S. Deokar, Advocate for applicant.

Mr. B.L. Dhas, APP for State.

Mr. S.B. Brahme, Advocate for respondent Nos. 2 to 11.

**CORAM : T. V. NALAWADE, J.**  
**DATED : 28th February, 2014.**

**ORDER :**

1. The application is filed under section 439 (2) of Criminal Procedure Code for cancellation of relief of anticipatory bail granted by learned Additional Sessions Judge, Dhule in Criminal Application No. 258/2013. The relief is granted in Crime No. 72/13 registered in Shirpur Police Station registered for offences punishable under sections 395, 324, 354 etc. of I.P.C. Both the sides are heard.

2. This Court has perused the papers of investigation. Copies of two orders made by Sessions Court are produced. It appears that the application under section 439 (2) was filed in Sessions Court also.

3. The main grievance of applicant is that respondent No. 9 - Purshottam Shitole applied by giving his name as 'Purshottam Shitole' when he was named as 'Chetan' and serious allegations were made against 'Chetan' in F.I.R. It is the grievance of the complainant that by misleading the Court, relief of anticipatory bail was obtained in favour of Purshottam Shitole, brother of the second wife of respondent No. 2.

4. In F.I.R., allegations are made that in the incident dated 8.3.2013 in campus of Shirpur Court the respondents came and most of them were in drunken condition. One proceeding under section 97 of Cr.P.C. filed by present applicant was pending in the Court. Allegations are made that quarrel was picked up with her and during quarrel, Chetan snatched gold Mangalsutra weighing 15 gms. from the person of complainant/applicant. Allegations are made that beating was given to her by others and accused Sachin made her to fall and accused No. 9 - Ambalal misbehaved with her. The complainant was taken to hospital by

relatives on the same day. The record shows that she sustained injuries like abrasions. The injury certificate shows that she had given history of attack by mob in Shirpur Court campus. The report was given to police on 20.3.2013 i.e. after about 12 days of the incident.

5. The Sessions Court has considered the circumstance like existence of matrimonial dispute between the parties and also the circumstance that on that day, the proceeding filed under section 97 of Cr.P.C. for getting custody of the child was rejected. The child was in the custody of Shashikant, husband of the applicant and divorce proceeding was also pending. Thus, reasons are given by the Sessions Court for granting anticipatory bail though there is aforesaid circumstance against Purshottam. In view of these circumstances, this Court holds that there is no reason to interfere in the order made by the Sessions Court.

6. The learned counsel for the applicant placed reliance on the cases reported as **AIR 2001 SUPREME COURT 2023 (1) [Puran v. Rambilas and anr.] and 2010 AIR SCW 1182 [Guria, Swayam Sevi Sansthan Vs. State of U.P. and Ors.]**. The Apex Court has observed that the Court considering the bail application or anticipatory bail application need to give some

reasons for prima facie concluding that bail needs to be granted. It is also observed that the relevant material needs to be considered by the Court while deciding the application for bail or anticipatory bail and if the material is not considered then such order can be cancelled. There cannot be dispute over this proposition. In view of nature of dispute involved in the present case, this Court holds that there is no reason to interfere in the order made by the learned Additional Sessions Judge.

7. In the result, the application stands rejected.

**[ T. V. NALAWADE, J. ]**

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