

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO. 747 OF 2015.

PRADEEP S/O PRALHADRAI SUGWANI.

VERSUS

MANISH @ TOLU KISANCHAND PURASWANI & ORS.

Appearance =>

Mr. V.P. Raje, Advocate for the Applicant.

Mrs. Pratibha Bharad, Additional Public Prosecutor for the State of Maharashtra – Non-Applicant No.1.

Mr. S.S. Sharma, Advocate a/with Mr. A.G. Magare, for Non-Applicant Nos. 1 to 5.

CORAM : VM. Deshpande, J.

DATE : 23rd July, 2015.

Per Court :-

Heard Mr. V.P. Raje, learned counsel for the Applicant, Mr. A.G. Magare, learned counsel for Non-Applicant Nos. 1 to 5 and Mrs. Pratibha Bharad, learned Additional Public Prosecutor for the State of Maharashtra – Non-Applicant No.6, who is wrongly typed as Non-Applicant No.2. Permission is granted to correct the same.

Mr. V.P. Raje, learned counsel for the Applicant to correct the numbering in the array of the Application.

[2] This is an application for cancellation of both regular as well as anticipatory bail.

Non-Applicant Nos. 1 and 2 are released on anticipatory bail by the learned Additional Sessions Judge, Nandurbar on 14th January, 2015. Their anticipatory bail Application No.4/15 was allowed on the said day.

Non-Applicant Nos. 3 to 5 filed Application for regular bail before the court below and their Application was registered as Cri.Bail Application No.3/15 and the learned trial court granted regular bail to them on 14th January, 2015.

[3] The Respondents were prosecuted in CR No.77/2014 registered with Nandurbar Up Nagar Police Station, for the offences punishable under Section/s. 354(D), 341, 143, 506 of the Indian Penal Code and under Section 11(4), 17 of the Protection of Children From Sexual Offences Act, 2012. First Information Report was lodged by the father of the prosecutrix.

[4] It is not case of the Applicant that, Non-Applicant Nos. 1 to 5 have misused the liberty granted to them. One of the argument of Mr. V.P. Raje, learned counsel for the Applicant is that, while releasing the Non-Applicants either on anticipatory bail or regular bail, the learned trial court has not imposed any condition.

Merely because the condition is not imposed, that will not render the order granting bail as perverse. Further it is not submitted by the learned counsel for the Applicant that perversity is crept in any order impugned. The learned counsel for the Applicant has fairly

stated that investigation is already over and charge sheet is already filed before the court of law. In view of the said fact and since the Non-Applicants have not misused the liberty granted in their favour since 14th January, 2015, I see no reason to interfere with the order passed by the court below exercising the discretion in favour of Non-Applicant Nos.1 to 5. Hence, Criminal Application is rejected.

(V.M. DESHPANDE, J.)