

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3380 OF 2015**[Alaa Abdul Rahim Mohammad Ahmed Vs The State of Maharashtra & anr.]****AND****CRIMINAL APPLICATION NO. 3370 OF 2015****[Pravin Parsi Vesi Birgooni vs The State of Maharashtra]**

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or
directions and
Registrar's orders

Court's or Judge's orders

Shri Hemant Surve, advocate for applicants
Shri A.S.Shinde, A.P.P. for respondent

.....

CORAM : V.M.DESHPANDE, J.**DATED : 31st July, 2015****PER COURT :-**

1] These two applications arise out of Crime No. 184 of 2015, registered at Dharangaon police station, District Jalgaon, for the offences punishable under Sections 354-A, 328, 107, 506 r/w 34 of the Indian Penal Code and under Section 13(A) and (B) of the Foreigners Act, 1946.

2] Heard Shri Hemant Surve, learned counsel for the applicants and Shri A.S.Shinde, learned Additional Public Prosecutor for the respondent/State in extenso.

3] According to the learned counsel Shri Surve, in view of filing of the charge sheet, the applicants are entitled for bail. It is his further submission that if the entire charge sheet is perused, it would reveal that the prosecutrix was having long standing love affair with the applicant in Criminal Application No. 3380 of 2015, however, according to the submission of the learned counsel, when she found that there is mur mur in the society about keeping relations by her with foreign

national, she has filed the first information report at belated stage.

4] At this stage, it is not expected from this court to make a detailed inquiry in respect of the prosecution case, since it will cause prejudice to both the accused and the prosecution.

5] Another submission of the learned counsel for the applicants is that the applicant in Criminal Application No. 3370 of 2015 being lady she cannot be held responsible for committing offence under Section 354-A of the Indian Penal Code.

6] Admittedly, the charge sheet is filed. The first information report clearly spells out the ingredients of the offence for which the applicants are charged. Further, during the course of the investigation, it could be seen that the applicant in Criminal Application No. 3370 of 2015 has overstayed in India without any valid documents. Further, in so far as applicant in Criminal Application No. 3380 of 2015 is concerned, the learned court below found that the student visa of this applicant was valid up to 26.2.2007 and Refugee card issued by United Nations High Commissioner was valid up to 23.10.2014. This aspect is not disputed by the applicant.

7] The applicants are foreign nationals. While considering the application for bail, one of the prime consideration of the court is to see as to whether the accused, if released on bail, would be available to the course of justice. In view of the fact that the present applicants are not the citizen of this country, in the event of their release on bail, it would be rather difficult to procure their presence to the course of justice.

8] In that view of the matter, both Criminal Applications are dismissed.

However, it is expected from the court below, in whose

court the Sessions trial is pending, to take the said Sessions trial as expeditiously as possible.

9] Needless to mention, the observations made in this order are prima facie in nature and are restricted to these applications only and the learned Judge of the court below shall not get influenced by the said observations while deciding the matters on merits.

(V.M.DESHPANDE, J.)

dbm/crap3380.15