

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE – CRIMINAL
BAIL APPLICATION NO. 212 of 2015

Lalchand Ruplal Sarbere ... Applicant

Vs

The State of Maharashtra & Anr. ... Respondents

Sureshkumar J. Panikar & Associates for the Applicant
Mrs.G.P Mulekar, APP, for the Respondent -State.
Mr. M.D. Wansale, P.I., Oshiwara Police Station, present.

CORAM: P.D. KODE, J.

DATED: FEBRUARY 2, 2015.

PC:

Learned APP has opted to argue the matter on the basis of papers of investigation. On specific query, upon instructions from I.O., it is submitted that major part of the investigation is over in as much as statement of all material witnesses has been recorded.

2. Prayer for bail is pressed mainly on the ground of inordinate delay of 27 years in lodging FIR and the allegations are vague in nature regarding date, time and place of commission of alleged act. The perusal of the FIR supports the said contentions as well as the contention in all probability the relationship of first informant with the Applicant being live-in relationship. The

investigation is complete. The Applicant is said to be of 63 years old and suffer from heart ailment and high diabetes. Having regard to it, the discretion deserves to be exercised in favour of grant of bail as it is well known that to make allegations of rape are easy and it is always difficult to refute it. Needless to add that apparently there appears bleak possibility of prosecution interest being prejudiced and of evidence getting tampered in event of the Applicant being released on bail.

3. Resultantly, the application is allowed. The Applicant is directed to be released on bail on furnishing the P.R. Bond in the sum of Rs.75,000/- (Rupees Seventy Five Thousand only) with one or more sureties to make up like amount and subject to conditions that after his release the applicant shall (i) stay at the address mentioned in the application and shall not change the same without prior permission of the Court; (ii) attend the I.O. as and when summoned until further order; (iii) not indulge in activity of tampering, threatening, coercing, intimidating or pressurizing the prosecution witnesses in any manner; and (iv) not misuse the bail granted vide this order for fleeing away or for committing any further offence.

4. The application accordingly stands disposed of.

(P.D. KODE, J.)