

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 291 OF 2015

Sheetal Gajanan Nagwade ... Applicant
Vs.
The State of Maharashtra & Ors. ... Respondents

Mr. Sachin S. Punde, Advocate for the applicant.
Ms. Veera Shinde, APP for the State.
I.O. present.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **JUNE 16, 2015**

P.C.:

The Application is moved mainly for cancellation of bail by the applicant/prosecutrix. The reason for cancellation of pre-arrest bail is that the prosecutrix is a victim of rape under section 376(1) and was kidnapped and there is ample evidence against the accused persons. However, the learned Additional Sessions Judge, without considering the seriousness of the case and the allegations and evidence against the accused, have granted anticipatory bail by its order dated 13th April, 2015. It is further submitted that the Court has failed to consider the parameters under section 438 of the Cr. P.C.

2. The learned counsel for the applicant has submitted that the relatives of accused Vijay was in police department and it is further submitted that because of the terror of accused persons, the written

complaints given by the applicant/prosecutrix were not entertained by the police. Only after the directions given by the High Court, the police registered offence against the accused persons.

3. Learned APP submitted that the State has not challenged the order of Additional Sessions Judge dated 13th April, 2015.

4. Perused the FIR and the complaints given by the prosecutrix on 22nd August, 2014, 4th September, 2014 and 24th October, 2014 to the Police Commissioner. It is to be noted that first rape, as per the case of the prosecutrix, occurred in 2009. Thereafter, she was again raped in February, 2014. However, the first written complaint in time sent to the Commissioner of Police by her is on 22nd August, 2014. The delay cannot be explained. The learned Additional Sessions Judge has taken into account all these aspects and have passed a well reasoned order. Under such circumstances, I do not find any ground to set aside the order of learned Additional Sessions Judge and entertain this Application. Hence, the Application is dismissed.

(MRS.MRIDULA BHATKAR, J.)