

IN THE HIGH COURT OF JUDICATURE AT
BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 296 OF 2014

Vaishali Arun More .. Applicant

Versus

State of Maharashtra & Anr. .. Respondents

Mr. Ranjeet V. Sangle i/b Hitesh Bhaskarrao Sangle & Saurabh
Patil, Advocate for the applicant

Mrs. M. H. Mhatre, APP for the State

Mr. Harshad Bhadbhade, Advocate for R. No. 2.

CORAM:-V. L. ACHLIYA, J.

DATED : -09/04/2015

P.C.

By way of present application, the applicant
(original complainant in C.R. No. 141/14 registered with Satara
Police Station u/s 376 of IPC), has approached this Court for
cancellation of order of bail dated 20/5/2014, passed in
Criminal M. A. No. 207 of 2014 in favour of respondent No.
2/accused on grounds as set out in detail in the application.

2 Mr. Sangle, learned counsel for the applicant strenuously contended that the learned Addl. Sessions Judge has grossly erred in granting bail to the respondent in a serious offence of rape by ignoring the strong evidence available on record to connect the respondent No. 2/accused with the commission of offence. The learned counsel has argued that besides the oral statement of the complainant, who is a well educated and qualified woman, there is evidence in the nature of DNA test and report of chemical analyzer to corroborate statement of complainant. The learned Addl. Sessions Judge has failed to take into consideration the status of respondent No. 2, who, according to the complainant, has strong political backing and he is very influential person. The learned counsel further submits that the applicant has earlier filed an affidavit stating therein the incident which had occurred in the court premises of this Court wherein the applicant was threatened by unknown persons and also caused threat of dire consequences

for prosecuting complaint against respondent No. 2.

3 On the other hand, the learned counsel representing respondent No. 2 has submitted that there are absolutely no grounds mentioned in the application to cancel the bail granted in favour of respondent No. 2. Except the vague obligations made against respondent No. 2 that he is pressurizing the complainant, there is nothing on record to show that respondent No.2 has violated the conditions of bail. The learned counsel has further argued that the trial Court has granted bail after filing of charge-sheet and evaluating the entire evidence as relied by prosecution. The learned counsel has pointed out that the trial Court has already framed charges against the accused and trial has already commenced. The testimony of applicant/complainant is already recorded by trial Court. Recording of evidence of applicant is already concluded. The learned prosecutor has now moved an application for recall and re-examination of witness i.e.

applicant/complainant.

4 Having regard to the fact that the charge is already framed against the accused and the testimony of the prosecutrix/applicant is already recorded, it is not desirable to entertain such request of applicant for cancellation of bail. Apart from this no strong case is made out for cancellation of bail. In view of this, I am not inclined to entertain this application. In the result, the application is rejected.

(V. L. ACHLIYA, J.)

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