

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1287 OF 2015
WITH
CRIMINAL BAIL APPLICATION NO.1288 OF 2015

Prashant Bharat Kadam ... Applicant
Versus
State of Maharashtra ... Respondent

WITH
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Amruta Nandkumar Kshirsagar ... Applicant/Intervener
(Orig. Complainant)

IN THE MATTER BETWEEN

Prashant Bharat Kadam ... Applicant/Org. accused
Versus
State of Maharashtra ... Respondent

Mr.Kuldeep S. Patil, i/b B.A.Lawate, for the Applicant in both the Applications.

Mr. Arfan Sait, APP for the State.

Mr. V.V. Purwant, Adv. for the intervener in APPP 654 & 655/15.

Mr. Navnath Madane, API, Kurduwadi PS, Solapur Rural present.

CORAM : SMT ANUJA PRABHUDESSAI, J.

DATE : 1st February, 2016.

P.C. :

1. These are the applications under Section 439 of the Cr.P.C. filed by the aforesaid applicant, who is facing trial in Session Case No.37 of 2015 for offence punishable under Section 376, 328 and 506

of the IPC and Sessions Case No.198 of 2015 for offences punishable under Sections 195A, 501, 507, 354C, 354D of the IPC, both pending on the file of Sessions Court, Solapur.

2. Heard Mr. Patil, the learned counsel for the applicant and Mr. Sait, the learned APP for the State. The FIR prima facie reveals that the applicant and the prosecutrix were having friendly relations which led to having physical relationship. The prosecutrix had alleged that the applicant once took her to Shirdi, gave her some intoxicant and had sexual intercourse with her. The prosecution claimed that the applicant had taken her nude photographs and had threatened to circulate the same to the friends. The prosecutrix had therefore lodged the FIR pursuant to which Crime No.176 of 2014 came to be registered.

3. The records reveal that by order dated 20th January, 2015, the applicant herein was granted bail. The prosecutrix had lodged another Crime No.60 of 2015 on 31st March, 2015 alleging that the applicant herein through his family members and other friends was threatening her and her family members to withdraw the previous FIR. She has further stated that on 28th March, 2015 one envelope in the name of the applicant was thrown in the balcony. Said envelope

contained her nude photographs which were taken by the applicant in Hotel at Shirdi. The said envelope also contained a note threatening to circulate the said photographs on the social media. Pursuant to the said FIR, Crime No.60 of 2015 was registered. In view of the registration of the said crime, bail granted in Crime No.176 of 2014 came to be cancelled vide order dated 19th June, 2015.

4. By order dated 5th October, 2015 this Court had directed learned Additional Sessions Judge, Solapur to record the evidence of the prosecutrix as expeditiously as possible. Mr. Sait, the learned APP has submitted that evidence of prosecutrix has been recorded in both the cases and the cases are at fag end of the trial. Considering the allegations made by the prosecutrix in Crime No.60 of 2015 and also considering the fact that the cases are at fag end, I do not wish to exercise the discretion under Section 439 of the Cr.P.C. at this stage.

5. Hence both the applications are dismissed with direction to the learned Addl. Sessions Judge, Solapur to dispose of both the cases as expeditiously as possible and in any event within a period of two months from the date of this order.

(ANUJA PRABHUDESSAI, J.)