

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APPLN) NO.5/2015

Ku. Deepali D/o Pavan Gupta

..Versus..

State of Maharashtra, through P.S.O., P.S. Wdgaon Road, Distt. Yavatmal and
another

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

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 2.4.2016

Heard Ms. Ankita Sarkar, advocate for the applicant, Shri
S.G. Joshi, advocate for the non-applicant no.2 and Shri A.D.
Sonak, A.P.P. for the non-applicant no.1.

The non-applicant no.2 is granted bail by this Court by the
order dated 26th June, 2014 for the offence punishable under
Section 376 (2)(K)(N), 386, 354(C) and 34 of the Indian Penal Code
and Section 66(E), 66(A) (B) of the Information Technology Act in
Crime No.407/2013. The prosecutrix who lodged the complaint on

the basis of which the Crime No.407/2013 was registered has filed this application under Section 439(2) of the Code of Criminal Procedure contending that after 10 days of registration of Crime No.407/2013, the Crime No.415/2013 for the offence punishable under Section 354(D), 385 and 506 of the Indian Penal Code is registered against the applicant. It is further pointed out that Crime No.384/2014 for the offence punishable under Section 307, 314 and 34 of the Indian Penal Code and Crime no.430/2014 for the offences punishable under Section 307, 354 of the Indian Penal Code are registered against the applicant. Relying on the judgment given in the case of Gurcharan Singh and others V/s. State (Delhi Administration) reported in **(1978) 1 SCC 118**, it is submitted that as the applicant is repeatedly involved in commission of offences, the bail granted by this Court by the order dated 26th June, 2014 be cancelled.

Shri S.G. Joshi, learned advocate for the applicant has submitted that the applicant is implicated on the basis of false complaint lodged against him as he is socially active and active

member of a political party. It is submitted that in the crimes registered against the applicant subsequently the Court granted bail to the applicant, after considering all the above contentions.

The State of Maharashtra has not approached the Court with the request for cancelling the bail granted to the non-applicant no.2.

Considering the facts on the record, in my view, the proposition laid down in the judgment given in the case of *Gurucharan Singh and others V/s. State (Delhi Administration)* (*cited supra*) does not assist the applicant.

The application filed by the applicant is dismissed.

CRIMINAL APPLICATION (APPP) NO.366/2016

In view of dismissal of main application, the order dated 14th March, 2016 has lost its efficacy and stands recalled. The application is **disposed of**.

JUDGE