

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APPLN) NO. 88/2015

(Sou. Sheetal w/o Ramesh Meshram vs. The State of Maharashtra & another)

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

Court's or Judge's order

Mr. H.P. Lingayat, Advocate for applicant
 Mr. H.R. Dhumale, APP for Respondent /non-applicant no.1
 Mr. S.O. Ahmed, Advocate for Respondent No.2

CORAM: A.B.CHAUDHARI, J.

DATED : 4th February, 2016.

Heard learned counsel for the rival parties.

This is an application filed under section 439
 (2) of the Cr.P.C. for cancellation of bail granted to
 non-applicant no.2, in respect of Crime No.
 479/2015.

Perused the impugned order dated 5.10.2015
 passed by the learned Additional Sessions Judge,
 Chandrapur. Learned counsel for the applicant
 vehemently contended that the impugned order is
 based on fanciful reasons. According to him, the
 reason given by the trial Judge is not at all germane
 inasmuch as the case relates to the POSCO, of
 which strict implementation is necessary at the hands
 of the judiciary.

Perusal of the impugned order, according to me,
 shows that, at the most, the offence under POSCO
 would be constituted, but then to put the respondent
 no.2 in jail till the Appeal is over, may become

onerous. However, care is to be taken by asking the applicant not to enter the Chandrapur town till the trial is completed, since that would prevent the respondent no.2 in tampering with the prosecution evidence or the girl child. In that view of the matter, I make the following order :-

ORDER:

- a) Criminal Application (Appln) No.88/2015 is partly allowed.
- b) The impugned order dated 5.10.2015 granting bail to the respondent no.2 is not interfered with.
- c) The respondent no.2 shall not enter the Chandrapur city, except on the appointed dates for attending the court proceedings, till the trial is over,
- d) The applicant shall not apply for modification of this condition, till the trial is over.

JUDGE

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