

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

CRIMINAL APPLICATION (ABA) NO.633 OF 2015

(Virendra Singh s/o Rajendra Singh and others ..vs.. The State of Maharashtra, through PSO, PS
Chandrapur City, District Chandrapur)

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.
DATED : 09-02-2016

Heard Shri S.P. Bhandarkar, learned Advocate for the applicants, Shri H.R. Dhumale, learned Addl.P.P. for the non-applicant and Shri A.P. Raghute, learned Advocate for the complainant.

2. The complainant Mrs. Basanti Mandal has filed complaint on 09-11-2015 making allegations against the applicants on the basis of which Crime No.245/2015 is registered against the applicants for the offences punishable under Sections 376(d), 376(2)(c),(n) and 506 read with Section 34 of the Indian Penal Code. On the same day i.e. 09-11-2015 Pushpa Deshkar filed complaint against the applicants and Manoj Singh on the basis of which Crime No.90/2015 has been registered for the offences punishable under Sections 354-A, 354-D and 506 read with Section 34 of the Indian Penal Code.

3. It is undisputed that the complainant Basanti Mandal and Puja Deshkar had been in the employment

of the Company of which Virendra Singh s/o Rajendra Singh is the Manager and Manoj Singh is the Director. Sourabh Singh and Virendra Singh son of Dharamdeo Singh are employees of the company. It is undisputed that the services of Basanti Mandal and Puja Deshkar are terminated on 01-04-2015. The allegations are about the incident of December 2014 and subsequent incidents till the date of termination of services of Basanti Mandal and Puja Deshkar. Basanti Mandal is aged about 28 years, is reported to be married and having a child and Puja Deshkar is aged about 24 years and is reported to be unmarried.

4. The prosecution has not been able to show that the applicants have been involved in any other crime earlier.

5. Considering the nature of allegations and the unexplained delay of about seven months after termination of services in filing the complaints and the fact that the applicants had not been involved in any commission of offence earlier, I am satisfied that the applicants are entitled for pre-arrest bail.

6. Hence, the following order :

- i) In the event of arrest, for the offences punishable under Sections 376(d), 376(2)(c),(n) and 506 read with Section 34 of the Indian Penal Code

registered vide Crime No.245/2015 with City Police Station, Chandrapur, the applicants shall be released on bail, on furnishing P.R. Bond of Rs.50,000/- each and two solvent sureties of residents of Chandrapur, in the like amount.

- ii) The applicants shall not leave Chandrapur without prior permission of the Investigating Officer.
- iii) The applicants shall deposit their Passports with the Investigating Officer.
- iv) The applicants shall co-operate with the investigation and shall attend promptly on being summoned by the Investigating Officer.
- v) The applicant shall not pressurize the witnesses.
- vi) The application is allowed accordingly.

Criminal Application No.1430/2015.

In view of disposal of the anticipatory bail application, the application praying for rejecting the application for grant of anticipatory bail has become infructuous. It is disposed accordingly.

JUDGE