

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.1239 OF 2017

The State of Maharashtra .. Applicant

Versus

Sanjay Namdeorao Ingale .. Respondent

Mr.S.D. Ghayal, Advocate for the applicant.

Mr.G.P. Shinde, Advocate for sole respondent.

CORAM : T.V. NALAWADE, J.

DATED : 02.05.2017

P.C. :-

1. The application is filed for cancellation of bail granted by the Additional Sessions Judge, Nanded in Misc. Criminal Application No.302 of 2016 on 26.05.2016. Both the sides are heard.

2. The application is made on the ground that after release on bail of the present respondent for offence punishable under section 376 etc. of the Indian Penal Code, he gave threats to the prosecutrix and due to that apprehension is created in the mind of the prosecutrix

and that conduct amounts to tampering with the prosecution witnesses. O.M.C.Application No.86 of 2016 was filed for cancellation of bail before the Sessions Court, Nanded. But the Sessions Court has rejected the application by holding that delay was caused in giving the report. This Court has carefully gone through the allegations made in the F.I.R. When the report was given, the prosecutrix had completed 21 years of age. She made allegations that for many years, the respondent, who was taking tuitions had physical relations with her. The prosecutrix became pregnant for two times. On both the times the pregnancy was terminated behind the back of the parents of the prosecutrix. It is her contention that when she wanted to live separate life and to break the relationship, the respondent insisted for continuation of the relationship and due to that she was required to approach the police. All these circumstances are considered while granting bail. The copies of two N.C. reports are not produced on record. Whenever bail is granted, generally such attempts are made by the

complainant's side to pressurize the accused. This Court has carefully gone through the reasonings given by the Sessions while rejecting the application for cancellation of bail.

3. In view of the circumstances of the present matter, this Court holds that it is not desirable to cancel the bail granted in favour of the respondent. The application stands rejected. However, the respondent is not to enter the village of the prosecutrix till disposal of the case filed against him.

[T.V. NALAWADE, J.]