

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1358 OF 2017

VAISHALI W/O. SHARAD SHARANAGAT
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : Mr. Suryawanshi Govind G.
APP for Respondents: Mr. A.A. Jagatkar
Advocate for Respondents : Mr. P.P. Kale

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CORAM : V. K. JADHAV, J.
DATED : 14th SEPTEMBER, 2017

PER COURT:-

1. The applicant is seeking cancellation of bail order dated 24.2.2017 passed by the Special Judge, Jalna granted to the respondents-accused in connection with crime No. 13 of 2017 registered with Gondli Police Station, Tq. Ghansavangi, District Jalna for the offences punishable under Sections 354(a)(i), 143, 147, 149, 323, 504 and 506 of I.P.C. and Sections 3(1) (11) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act 1988 and the Sections 3(1) w of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act 2015.

2. Learned counsel for the applicant submits that the respondents accused came to be arrested on 24.2.2017. On the same day they were produced before the Special Judge, Jalna. At the instance of investigating officer, the Special Judge has taken the respondents

accused in M.C.R. till 9.3.2017. Learned counsel submits that on the same day, the respondents original accused had filed bail application in the aforesaid crime and the learned Special Judge, Jalna by order dated 24.2.2017 allowed the application and released the respondents-original accused on bail. Learned counsel submits that in terms of sub-section (3) of Section 15-A of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act 1988, the applicant-original informant shall have the right to reasonable, accurate, and timely notice of any Court proceeding, including any bail proceeding and the Special Public prosecutor or the State Government are bound to inform the victim about any proceedings under this Act. Learned counsel submits that in terms of sub-section (5) of Section 15-A, the applicant-original informant is entitled to be heard in the said proceeding in respect of the bail and also to file written submissions, if needed. However, the Special Judge has not granted said opportunity to the applicant-original informant, passed the aforesaid order.

3. I have also heard learned A.P.P. for the respondent State.

4. It appears from the papers that the husband of the informant was served with the notice of said proceeding in advance i.e. on 21.02.2017 and the husband of the informant has given undertaking to the investigating officer to the effect that he himself and his wife i.e. present applicant would remain present before the Court to make their

submissions in the said proceeding. In para 4 of order, the learned Special Judge has observed that though the informant and her husband had given undertaking before the investigating officer that they will remain present before the court on that day, however, till 5.20 p.m. they remained absent. It appears that though the informant has not personally submitted any undertaking, however, her husband had given undertaking to the investigating officer that he would remain present alongwith the applicant before the court on 24.2.2017 itself. Furthermore, considering the charges levelled against the accused, I do not find any fault in the order passed by the learned Special Judge. The learned Special Judge has also imposed conditions and further directed the respondent original accused to remain present before the investigating officer once in a week on every Monday in between 10.00 a.m. to 11.00 a.m. till filing of charge sheet. Even the court has taken care to impose the condition that the respondents-original accused shall not try to meet the prosecutrix or to enter in area where she is residing till final disposal of case.

5. In view of above, I do not find any substance in this application. The application is thus liable to be rejected. Hence, the following order:-

O R D E R

I. Application is hereby rejected.

(V. K. JADHAV, J.)