

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

901 CRIMINAL APPLICATION NO. 2376 OF 2017
IN APPLN/3830/2016 WITH APPLN/3830/2016 IN
APPLN/1003/2015

ARUN S/O. BHAURAO AADE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Shri. Vevek Deshmukkh, Advocate, for applicant.

Shri. S.W. Munde, Additional Public Prosecutor, for
respondent No.1.

Shri. E.S. Murge, Advocate, for respondent No.2 in
Criminal Application No.2376 of 2017 and for applicant in
Criminal Application No.3830 of 2016.

Coram: T.V. NALAWADE, J.

Date : 25 July 2017

ORDER:

1) Leave to correct name of the applicant is
granted.

2) Criminal Application No.3830/2016 is filed by
original complainant for cancellation of bail granted to the
present applicant in Criminal Application No.1003/2015.
Bail was granted in a case filed for offences punishable
under sections 376 and 452 of the Indian Penal Code by

order dated 10 March 2015. Condition was imposed on the present applicant that he should not enter the village of the prosecutrix till disposal of the case. But there is allegation that he had entered the village and he tried to tamper with the prosecution witnesses. So Criminal Application No.3830/2016 was filed. In that proceeding report of the investigating officer was called and he supported the applicant on the contentions that there was breach of condition by the present applicant. In view of this report order was made and direction was given to the investigating officer to take the applicant in custody and keep him behind the bars. Thus, indirectly the bail granted to the present applicant was cancelled. It appears that the application filed for cancellation of bail was kept pending.

3) Now, the application is filed for grant of bail. The learned counsel for the applicant submitted that the applicant has learnt sufficient lesson and he undertakes not to enter the village of the prosecutrix in future. After considering the entire material this Court had granted bail to the present applicant and since arrest of the

applicant due to order made by this Court one and half months period has passed. In view of these circumstances this Court holds that one more opportunity needs to be given to the applicant and that will also help him to contest the matter on merits effectively.

4) In the result, Criminal Application No.2376 of 2017 is allowed. The applicant is to be released on bail in Crime No.22/2015 registered in Osmanabnad City Police Station for offences punishable under sections 376, 452 of the Indian Penal Code on his furnishing P.B. of Rs.30,000/- (Rupees Thirty Thousand Only) with one or more solvent surety of the like amount. The applicant is not to tamper with prosecution witnesses. He is not to commit similar offences. He is not enter the village of the prosecutrix till disposal of the case which is filed against him.

5) Criminal Application No.3830/2016 is to be treated as disposed of.

Sd/-
(T.V. NALAWADE, J.)

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