

FARAD CONTINUATION SHEET No.IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION (L) NO. 1765 OF 2017

Krishnaswami Rajmanikamma vs. The State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Rishikesh Ganu i/by Sushil Nimbalkar for the Applicant.
Mr. Ajay Patil, APP. for the State.

CORAM : A.S.GADKARI, J.
DATE : 21st September, 2017

P.C.

1. This is an application under Section 439 of Cr.P.C. for bail in CR No.445/2013 registered with Kothrud Police Station, Pune under Sections 328, 376, 377, 324, 384 read with 34 of the Indian Penal Code.

2. In the present crime Kupuswami @ Elangovan Rammurti is accused No.1, Muttuswami is accused No.2 who has expired during the course of investigation and the applicant is accused No.3.

3. The first information report is lodged by Smt. Gouri Bajare aged about 29 years on 24.10.2013 i.e. the date of lodgment of the first information report. It is the prosecution case that accused No.1 Kuppuswami by taking undue advantage of the ill-health of the informant coerced her and committed an offence punishable under Section 376 and 377 of the Indian Penal Code. It is also alleged that accused persons extorted certain amount from her and got some documents executed from her. It is the further prosecution case that

on 30.3.2013 the applicant went to the house of the first informant and picked her two minor daughters and took them to the house of co- accused Muttuswami where they were wrongfully detained. That, accused persons along with Advocate Satish Macholkar got executed a promissory note on a stamp paper of Rs.100/- in favour of accused No.1 Kuppuswami and co-accused Muttuswami threatened the first informant about circulating video clips of the first informant on social media. As noted earlier, the first information report is lodged on 24.10.2013. During the course of investigation the applicant came to be arrested on 18.5.2017 and after completion of investigation the police have submitted charge sheet.

4. The record indicates that except allegations that 30.3.2013 the applicant had been to the house of the first information and picked up her minor daughters and alleged to have given them into the custody of accused No.2 Muttuswami, prima facie, it appears that there is no other allegation of active role played by the present applicant in the crime. It further appears from the record that police did not arrest the applicant for about 3 and ½ years from the date of registration of crime. The record is silent about obsconsion of applicant during the intervening period to say that there is no record pertaining the nonailable warrant against the applicant in the intervening period. In view thereof, the applicant can be released on bail.

Hence, the following order.

a) The applicant be released on bail in CR No.445/2013 registered with Kothrud Police Station, Pune on his furnishing PR bond of Rs.50,000/- with one or two solvent local sureties in the like

amount.

- b) After his release from Jail the applicant shall attend the concerned police station on first and third Monday of the month between 11.00 a.m. to 2.00p.m.
- c) The applicant shall also attend all the dates before the Trial Court.
- d) Any two consecutive defaults in complying with the aforesaid conditions, shall attract the provisions of cancellation of bail.
- e) The applicant shall not tamper with the evidence and /or influence the prosecution witnesses.
- d) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)