

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

CRIMINAL APPLICATION (BA) NO.1031 OF 2016

Sukendra @ Swapnil @ Mogli S/o Manohar Shende

..VS..

State of Maharashtra, through P.S.O. Ramnagar, District Chandrapur

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

Shri O.K. Masurke, counsel for the applicant.
Shri Palshikar, Addl.P.P. for the non-applicant/State.

CORAM : P.N. DESHMUKH, J.
DATED : JANUARY 5, 2017.

Heard learned counsel Shri O.K. Masurke
for the applicant and learned Additional Public
Prosecutor Shri Palshikar for the non-applicant/State.

Perused the documents which are made
available by learned Additional Public Prosecutor.

According to learned counsel for the
applicant, though the offences in this crime are under
Sections 376(d)(2)(i)(n), 305, 306, 313, 404, 506 read
with Section 34 of the Indian Penal Code and Sections 4,
5(j)(2)(1), and 6 of the Protection of Children from
Sexual Offences Act, 2012, even according to the case of
the prosecution, the role attributed to the applicant is of
he committing theft in respect of cellphone of deceased
which during the course of investigation came to be

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recovered at the instance of co-accused Rizwan Mirza.

It is, therefore, submitted that considering the limited role attributed to the applicant and as all other five accused involved in this crime are already released on bail, the application be allowed.

It appears to be the case of the prosecution that on 16.3.2016 complainant's daughter was found hanging on a wooden raft and her cellphone was lying on the bed of which, according to the prosecution, the applicant has committed theft. Admittedly, there is no involvement of the applicant as per suicide note as according to it, involvement of co-accused Krushna Mahattav, Karan Manjre, and Shubham Sammun, is revealed who have committed rape upon the deceased who thus had committed suicide. Admittedly, all the co-accused are already released on bail.

In view of above stated facts and the role attributed to the applicant as aforesaid, the application is allowed as there is no purpose to keep applicant behind bar pending trial. Hence, following order is passed:

ORDER

1. The applicant shall be released on bail on executing P.R. Bond of Rs.15,000/- with one surety in the like amount.

2. The applicant shall mark his presence with Ramnagar Police Station, Chandrapur quarterly on first day of each such month.

3. The applicant shall submit proof of his residence with the investigating officer and shall update the same in the event of change in future.

The criminal application is disposed of accordingly.

JUDGE

!! BRW !!

C E R T I F I C A T E

I certify that this Order/Judgment uploaded is a true and correct copy of original signed Order.

Uploaded by : Bhushan R.Wankhede.
(Personal Assistant)

Uploaded on :- 7/1/2017

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