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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 1259 OF 2017

Ramesh Murlinath Yogi

... Applicant

V/s.

The State of Maharashtra

...Respondent

**WITH
APPP NO.1105 OF 2017**

Ms. S.K. Ayubi Advocate appointed for Applicant.

Ms. A.A. Takalkar, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 5th FEBRUARY 2018.

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No. 72 of 2015 dated 23.2.2015 registered with MHB Colony Police Station, Mumbai under Sections 376(1), 328, 354(C), 506(II) of the Indian Penal Code r/w Section 66(E) of the Information Technology Act.

2] Heard the learned Advocate appointed by the High Court Legal Aid committee for the applicant and the learned APP. Perused the chargesheet.

3] The first information report is lodged by Smt. Aarti Shekharbhai

Nepali on 23.2.2015. It is the prosecution case that, the first informant was having acquaintance with the applicant, which was subsequently resulted into friendship. That on 22.2.2015 the applicant called the first informant to his house for a lunch. That the applicant thereafter pressurized the first informant to consume liquor and also forced her to further drink. It is alleged that, when the first informant got inebriated due to liquor, the applicant committed forcible sexual assault on her and took a videograph of the said incident on his mobile phone. That with a view to scare the applicant, the first informant broke a glass bottle and inflicted it on her left hand wrist due to which the applicant fled away from the scene of offence. In the premise the first information report is lodged. During the course of investigation, the police have arrested the applicant on 23.2.2015 and after completion of investigation submitted the chargesheet.

4] As noted earlier, the police have arrested the applicant on 23.2.2015 and also seized the mobile phone. The record indicates that, the mobile phone of the applicant has been sent to the Forensic Science Laboratory. It appears from the record that, the applicant by taking undue advantage of friendship with the first informant has committed the present crime. As the applicant is in jail since 23.2.2015 i.e. for last about three

years and since the investigation of the present crime is completed, I am inclined to release the applicant on bail.

5] Hence the following Order:

(i) The applicant be released on bail in CR No. 72 of 2015 dated 23.2.2015 registered with MHB Colony Police Station, Mumbai on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

(ii) After his release from the jail, the applicant shall attend the concerned Police Station every 1st Monday of the month between 10.00 a.m. to 1.00 p.m till the conclusion of trial.

(iii) Applicant shall also attend all the dates before the Trial Court.

(iv) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

6] Application is allowed in the aforesaid terms.

7] In view of Order passed in Bail Application No.1259 of 2017, Criminal Application No.1105 of 2017 for bail and/or expedite hearing of Sessions Case does not survive and the same is accordingly disposed off.

(A.S.GADKARI, J.)