

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

CRIMINAL APPLICATION (BA) NO.69/2018

Nikesh s/o Dhanaram Mohbey

..vs..

State of Mah., thr. PSO, PS Mankapur, Nagpur

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

Court's or Judge's Order

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Shri A.R. Wagh, Counsel for the applicant.

Shri N.B. Jawade, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : FEBRUARY 8, 2018.

1. Heard learned counsel Shri A.R. Wagh for the applicant and learned Additional Public Prosecutor Shri N.B. Jawade for the State.
2. The applicant is arrested on 25.11.2017 in connection with Crime No.228/2017 registered against him with Police Station Mankapur, Nagpur for the offences punishable under Sections 417, 376, and 506 read with Section 34 of the Indian Penal Code.
3. The present application for bail is primarily objected on the ground that the investigation is in progress and the charge-sheet is yet to be filed.
4. The reply filed on behalf of the State shows that the applicant and the victim are relatives of each other. According to the First Information Report (F.I.R.), the victim, who is aged about 28 years, has stated in her report that by giving a promise of marriage the

applicant established sexual relations with her and subsequently the matter was also settled through relatives, however, applicant turned around and the marriage could not be solemnized. The reply shows that after arrest of the applicant, he was sent for his medical examination and his blood sample are already extracted and are seized.

5. Learned Additional Public Prosecutor Shri N.B. Jawade for the State submitted that though the charge-sheet is not filed, from the investigation papers it is crystal clear that the investigation is almost over and in very near future the charge-sheet will be filed.

6. Looking to the fact that the investigation is over and the applicant is in jail since 25.11.2017, in my view, the applicant can be released on bail by imposing certain conditions on him as per order below:

ORDER

(a) The criminal application is allowed.

(b) Applicant-Nikesh s/o Dhanaram Mohbey, be released on bail on his executing a P.R. Bond in the sum of Rs.25,000/- with two solvent sureties of the like amount in connection with Crime No.228/2017 registered against him with Police Station Mankapur, Nagpur for the offences punishable under Sections 417, 376, and 506 read with Section 34 of the Indian Penal Code.

(c) Till the charge-sheet is filed, the applicant shall attend the police station twice a week i.e. on every Sunday and Tuesday and shall be with the investigating officer from 3:00 p.m. to 5:00 p.m..

(d) After filing of the charge-sheet, the applicant shall attend the police station once in a month i.e. on 3rd Saturday of each month from 3:00 p.m. to 5:00 p.m., till culmination of the Trial.

(e) The applicant shall not extend any type of threats either to the victim or any of the prosecution witnesses.

(f) It is made clear that the observations made in this order are purely for deciding the application for grant of bail only and learned Judge of the Court below, who shall be trying the case, shall not get influenced by the observations made in this order.

(g) With this, the criminal application is allowed and disposed of.

JUDGE

!! BRW !!