

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

CRIMINAL APPLICATION (ABA) NO.68/2018

Vicky Diliprao Bobade and anr. ..vs.. State of Maharashtra through PSO P.S.
Dhanaj Bk. Tq. Karanja Lad, Dist. Washim

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

Court's or Judge's orders.

Mr. R. J. Shinde, Advocate for applicants.
Mr. T. A. Mirza, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.
DATED : FEBRUARY 13, 2018

1. Heard Mr. Shinde, Advocate for applicant and
Mr. T. A. Mirza, A.P.P. for non applicant-State.

2. By this application, the applicant is claiming
anticipatory bail since he is apprehending his arrest in
connection with Crime No. 214/2017 registered with Police
Station, Dhanaj Bk. Tq. Karanja Lad, Dist. Washim for an
offence punishable under Sections 365, 366, 376 (2) (N),
506 read with Section 34 of the Indian Penal Code.

3. Perused the reply filed on behalf of the State.
Primarily, the application for bail is opposed by the learned
A.P.P. on the ground that the charge-sheet is yet to be filed.
However, Mr. Mirza, learned A.P.P. for the non applicant-
State fairly submits that the investigation is almost over and
in near future the charge-sheet will be filed.

4. The victim is major. From the statement of the victim dated 10.12.2017, it is clear that initially her statement was recorded at Police Station, Yavatmal (Rural). The said statement, as per the victim, though was obtained under coercion, she has stated that she went along with the present applicants on her own.

5. Looking to the nature of accusation made in the FIR and the fact that in her initial statement no accusations were made against the applicants and the investigation is almost over, no fruitful purpose will be achieved by directing the applicant to be in police custody. Instead, certain conditions can be imposed upon the applicants in order to secure the interest of the prosecution.

6. In view of above, following order is passed.

ORDER

- (i) Criminal Application No.68/2018 is allowed.
- (ii) In the event of arrest in connection with Crime No. 214/2017 registered with Police Station, Dhanaj Bk. Tq. Karanja Lad, Dist. Washim for an offence punishable under Sections 365, 366, 376 (2) (N), 506 read with Section 34 of the Indian Penal Code, applicant no.1-Vicky Diliprao Bobade and applicant no.2-Jaaki Panjabrao Samudre be released on bail on they executing P.R. Bond in the sum of Rs.25,000/- each with two solvent sureties in the like amount.

(iii) The applicants shall attend Police Station Dhanaj Bk. as and when directed by the investigating officer by giving 24 hours written communication to them.

(iv) The applicants shall not try to prejudice the prosecution case.

(v) The observations made in this order are prima facie in nature and they are made only for the limited purpose of deciding the present application for grant of bail. The trial Court shall not get influenced by any of the observations made in this order.

The application is disposed of accordingly.

JUDGE