

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

CRIMINAL REVISION APPLICATION 64 OF 2018

(Deepak s/o Shyam Mennalu..vs.. The State, thr PSO Sadar Nagpur & anr.)

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

Court's or Judge's orders.

Shri Sk. Sabahat Ullah, counsel for applicant.
Shri Lokhande, APP for respondent 1.
Shri B..Dafle, counsel for respondent 2.

CORAM: ROHIT B. DEO, J.

DATE: 4th June, 2018.

Heard.

2 Exception is taken to the order of the learned Additional Sessions Judge – 9, Nagpur dated 17.3.2018 rendered in Miscellaneous Criminal Application 451 of 2018 by and under which the anticipatory bail granted to the applicant in Crime 539 of 2017 by order dated 23.1.2018 is cancelled.

3 On the basis of oral report lodged by the victim offence punishable under section 363 and 376 of the Indian Penal Code and under section 4 of the Protection of Children from Sexual Offences Act came to be registered against the applicant vide Crime 539 of 2017.

4 The applicant was granted anticipatory bail vide order dated 23.1.2018, as afore stated.

5 The cancellation of bail is predicated on an allegation that the applicant misused the liberty and

threatened the victim of physical harm.

6 The applicant and his parents allegedly abused and threatened the victim of acid attack and rape. The threats are alleged to have been issued on 28.1.2018, 29.1.2018 and 31.1.2018.

7 Concededly, the police have not registered any offence pursuant to the reports lodged by the victim which are treated as non-cognizable.

8 It is not in dispute that the allegations are unsubstantiated and the police has not made any inquiry to ascertain the truth of the allegations levelled by the victim.

9 In this view of the matter, the order of cancellation of bail, which is a serious encroachment on the personal liberty of the applicant, can not be sustained.

10 However, in order to allay the apprehension of the victim, it is necessary to direct that the applicant shall reside outside the territorial limits of Nagpur till the material witnesses are examined.

11 The applicant shall however, be at liberty to enter the limits of Nagpur to attend the dates of hearing and on any other occasion if the learned Trial Court for just and exceptionable reason permits the applicant to do so.

12 With these directions, the order impugned is set aside and the order dated 23.1.2018 granted anticipatory bail is restored.

JUDGE