

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

Criminal Application (BA) No. 340 of 2018

Sohel v. State of Maharashtra

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

Court's or Judge's orders

Shri Anil Mardikar, Sr. Advocate and Shri S. G.
Joshi, Advocate with him for the applicant
Shri A. V. Palshikar, APP for respondent-State

CORAM : S. B. Shukre, J

DATE : 11.4.2018

Heard. Perused the reply of the prosecution and the charge-sheet.

Having considered the age of the prosecutrix and this applicant and also the longer duration of the intimate relationship between the prosecutrix and this applicant, I am of the view that this applicant, who is in jail since 4.9.2017, can be released on bail, especially when the purpose of his jail custody has been by and large achieved. The purpose of making the investigation smooth is also achieved. Therefore, I feel no reason to keep the applicant behind the bar any more.

It is submitted by learned Additional public Prosecutor that there are four crimes previously registered against the applicant and one more crime is also registered after the incident in the present case. This may be so, but what is to be considered primarily in this case, is the existence of prima facie case against this applicant and if it is found that there is a doubt about the same and having found so, I am of the view that the registration of some more crimes would not be so significant. Habitual attitude to commit crimes is

required to be taken into consideration while releasing the applicant on bail only when it is found that the first and foremost parameter governing the judicial discretion regarding grant of bail or otherwise, which is of existence of prima facie, is found to be present. That being not the case here, I do not think that argument of learned Additional Public Prosecutor can be accepted. However, to be on safer side, suitable conditions can be imposed. Accordingly, I am of the view that this application deserves to be allowed.

Application is allowed. It is directed that the applicant be released on bail in Crime No. 321/2017 registered with Police Station, Ramdaspath, Akola for the offences punishable under Section 376 (2) (n) and 506 of the Indian Penal Code on his furnishing PR Bond of Rs. 30,000/- together with one solvent surety in the like sum, on the following conditions :

- (1) Applicant shall attend Police Station concerned on every Sunday between 05.00 pm and 07.00 pm till filing of the charge-sheet.
- (2) Applicant shall not tamper with the prosecution witnesses in any manner.
- (3) Applicant shall maintain peace and good behaviour and shall not indulge into criminal activities in any manner, failing which the bail granted to the applicant shall be liable to be cancelled at the instance of the prosecution.

Disposed of.

JUDGE

joshi