

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

Criminal Application (BA) No. 475 of 2019

Vijay S/o Arun Sawad

Vs.

State of Maharashtra, through P.S.O., P.S., Dabki road, Taluka and District Akola

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

Court's or Judge's orders

Shri A. S. Londhe, Advocate for the applicant
Shri H. D. Dubey, APP for the State/non-applicant

CORAM : M. G. GIRATKAR, J.

DATED : 08/07/2019

This is a third bail application filed by the applicant for the grant of bail under Section 439 of Cr.P.C. Earlier two bail applications were withdrawn by the applicant. Last bail application was withdrawn, when it was pointed out to the Court that charge-sheet was already filed.

Instead of moving the application before the trial Court for bail, this application is filed. Roznama pointed out by the Learned Advocate Shri Londhe for the applicant shows that charge is already framed and trial is for evidence of prosecution witnesses.

Learned Advocate Shri Londhe has submitted that since last one year the witness is not examined by the trial Court.

Learned APP Shri Dubey strongly objected the application and submitted that prima facie, the applicant is involved in the heinous crime. The victim is minor, aged about 16 years. Therefore, the application is liable to be rejected.

The earlier two bail applications are withdrawn by the applicant. Perused the FIR and statement of victim. Victim girl is daughter of Nomadic Tribe, who was having a hut by the side of road. Her father had gone to sell herbal medicine. Her mother was working in the house. At about 9.00 a.m., victim went for nature's call. She was forcibly taken by the accused and did sexual intercourse with her. There is prima facie evidence against the applicant. Charge-sheet is already filed. Charge is framed and trial is fixed for evidence.

Looking to the allegations against the applicant, he is not entitled for bail. Hence, the application is rejected.

JUDGE