

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

CRIMINAL APPLICATION (BA) NO.572 OF 2019

(Shyam Sadashiv Katore ..vs.. State of Maharashtra, through PSO, PS Mouda)

WITH

CRIMINAL APPLICATION (BA) NO.571 OF 2019

(Shyam Sadashiv Katore ..vs.. State of Maharashtra, through PSO, PS Mouda)

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, Senior Counsel assisted by Shri S.G. Joshi, Counsel for
the applicant,
Shri C.A. Lokhande, Addl.P.P. for the non-applicant.

CORAM : ROHIT B. DEO, J.

DATED : 29-07-2019

This Court was not inclined to grant bail.

2. Shri Anil Mardikar, learned Senior Counsel, on instructions, seeks leave to withdraw the application.
3. Leave as prayed is allowed.
4. The application is disposed of as withdrawn.

Criminal Application (BA) No.571/2019.

The learned Sessions Judge has rejected the bail of the applicant-accused who is charged for offence punishable under Section 306 of the Indian Penal Code.

2. The case of the prosecution is that the unfortunate girl who committed suicide was subjected to

gang rape forty-eight hours prior to the suicide. The applicant and three others are facing prosecution for the said gang rape, and I have noted supra that the application for grant of bail in that crime is withdrawn.

3. Several contentions are raised by Shri Anil Mardikar, learned Senior Counsel in support of the submission that the accused is entitled to bail for offence punishable under Section 306 of the Indian Penal Code. I am not inclined to make any decisive observation on the merits of the submissions since the suicide is the fall out of and is intrinsically connected with the gang rape to which the girl was subjected.

4. However, so far as the offence punishable under Section 306 of the Indian Penal Code is concerned, the investigation is complete and the charge-sheet is filed.

5. I do not see any impediment in granting bail to the accused for offence punishable under Section 306 of the Indian Penal Code.

6. If at all occasion arises for the accused to furnish bail, inasmuch as the accused is likely to continue in custody in connection with the crime registered for offence of gang rape, he shall be released on furnishing bail to the satisfaction of the trial Court.

7. This application is disposed of in the aforestated terms.

JUDGE

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