

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

Criminal Application (APPLN) No. 67 of 2018

(Kalpana w/o Rakesh Kadalwar Vs. State of Maharashtra and other)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri R. D. Hajare, Advocate for the applicant
Shri S. A. Ashirgade, APP for the State
Shri S.C. Shirpurkar, Advocate for the non-applicant no.2

CORAM : M. G. GIRATKAR, J.

DATE : 24/4/2019

Heard learned Advocate Shri Hajare for the applicant. He has submitted that after granting bail by this court vide order dated 19.07.2016, non-applicant no. 2 committed rape and the subsequent report was lodged. Non-applicant no.2 is released on bail in that crime. Learned counsel for the applicant has also submitted that looking to the act of the non-applicant no.2, bail granted to him is liable to be cancelled.

2. Heard Shri S.A. Ashirgade, learned Additional Public Prosecutor for the State.

3. Heard learned Advocate Shri S. C. Shirpurkar for the non-applicant no.2.

4. From the perusal of order dated 19.07.2016, it is

clear that the non-applicant no.2 was released on bail only on the condition that he shall attend Police Station, Aheri, Distt. Gadchiroli as and when required and shall co-operate the Investigating Officer. He has not committed any breach of order dated 19.07.2016. So far as, offence punishable under Section 376 of IPC is concerned, he was arrested and he is released on bail by the Sessions Court. Therefore, there is no necessity to cancel the bail of non-applicant no.2 granted vide order dated 19.07.2016. Hence, the application is rejected.

JUDGE

SMG