

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2825 OF 2019

Parmeshwar Trimukti Yadav

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr.Ashok M. Saraogi for Applicant.

Mr.S.S. Hulke, A.P.P for Respondent-State.

CORAM : A.S. GADKARI, J.

DATE : 9th December 2020.

PC. :

Heard Mr.Saraogi, learned counsel for the applicant and Mr.Hulke, learned A.P.P for the respondent-State.

2. This is a consecutive application for bail in CR No.496 of 2017 dated 18th November 2017 under Section 376(2)(1) of the Indian Penal Code registered with Kurar Police Station, Malad, Mumbai .

3. It is the allegation against the applicant that, on 17th November 2017 in the morning he committed rape on the daughter of the informant. The prosecutrix was aged about 30 years and is a mentally retarded person. The mother of the prosecutrix was suspicious about movements of the applicant and therefore, she knocked the door of the house, i.e. scene of incident, whereupon it was opened by the applicant. The prosecutrix was

inside the said room. She started crying after seeing her mother and told her that, the applicant had forcibly done bad act with her.

4. The record indicates that, the earlier application bearing Bail Application No. 1268 of 2018 preferred by the applicant for bail was dismissed as withdrawn by Order dated 21st May 2018 by this Court by granting him liberty to file a fresh application for bail before the Trial Court, if the trial arising out of CR No.496 of 2017 registered with Kurar Police Station, Mumbai does not commence within a period of one year from that day.

It is an admitted fact on record that, till today the prosecution has not framed charge in the present case. The applicant is behind bars from the date of his arrest i.e. from 18th November 2017. Learned counsel for the applicant submitted that, there are no antecedents at the discredit of the applicant and the applicant will abide by all the conditions imposed upon him, if released on bail.

5. In view thereof, the applicant can be released on bail on certain conditions.

Hence, the following Order :-

- (i) The Applicant be released on bail in CR No.496 of 2017 dated 18th November 2017 under Section 376(2)(l) of the Indian Penal Code registered with Kurar Police Station, Mumbai on his furnishing PR. bond of Rs.25,000/- with one or more local sureties in the like amount.

- (ii) After his release from Jail, the applicant shall not enter territorial jurisdiction of Kurar Police Station, Malad, Mumbai except for marking his presency as directed herein below.
- (iii) After his release from Jail, the applicant shall attend Kurar Police Station on every first Monday of every 3rd Month between 10:00 am and 12:00 noon. The applicant thus shall attend Kurar City Police Station 4 times in a year.
- (iv) If the applicant commits two consecutive defaults in complying with condition No.(iii) above, in that event, the prosecution will be at liberty to file an application for cancellation of bail.
- (v) Applicant shall not contact the victim and/or the other witnesses in the present crime.
- (vi) Before his actual release from Jail, the applicant shall furnish documents of his prospective residence, where he intends to reside after his release from Jail to the Kurar Police Station.

6. Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]

Omkar S.
Kumbhakarn

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by Omkar S.
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2020.12.09
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