

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

Criminal Application (BA) No. 196 of 2020

Talappa Anjenilu @ Anjani Gangayya Vs. State Through Police Station
Buldhana City

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

Court's or Judge's orders

Mr. A.J. Thakkar, Advocate for the applicant
Mr. S.M. Ghodeswar, APP for the respondent - State

CORAM : MANISH PITALE, J.

DATED : MAY 26, 2020

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

The applicant herein has been behind bars since 06/12/2018 in connection with FIR dated 16/10/2018 filed against him and other co-accused persons for offence under Sections 363, 370, 376, 344, 504 read with 34 of the Indian Penal Code.

3. The learned counsel appearing for the applicant submits that co-accused persons have been granted bail, but, his bail application stood rejected on 06/01/2020 for the reason of possibility that he would jump bail as he was a resident of Hyderabad. The learned counsel invited attention of this Court to documents on record indicating that the permanent address of the

applicant was that of district Buldhana in Maharashtra State. The learned counsel for the applicant also invited attention of this Court to the complaint leading to registration of FIR to claim that even if statement made therein was accepted, it would not lead to even a prima facie conclusion that the applicant was involved in human trafficking. It was claimed that the complainant had by her own volition joined the company of applicant and that, therefore, he has strong prima facie case for grant of bail.

4. The learned APP opposed grant of bail inviting attention of this Court to the fact that there were three witnesses in the list of 23 witnesses, who had stated that the applicant had forcibly kept the complainant locked in a room in the state of Andhra Pradesh and that this was the crucial aspect in the present case. It was submitted that the Sessions Court had recorded the fact that the trial had commenced and that the matter was fixed for evidence. According to the learned APP, there was possibility that the applicant would influence witnesses if released on bail.

5. Having heard the learned counsel for rival parties and upon perusal of material on record, this Court finds that the matter is fixed for evidence before the Trial Court and that there are only 23 witnesses to be examined by the prosecution. Although the permanent address of the applicant is indeed shown to be that of district Buldhana in Maharashtra State, the apprehension expressed by the Sessions Court that the applicant may jump bail cannot be said to be without any basis. Apart from this, there are at least 3 witnesses from the State of Andhra Pradesh, who would have to be examined by the prosecution and

release of the applicant may be prejudicial while recording of evidence of such witnesses. Since the trial has already commenced and the matter is fixed for evidence, this Court is not inclined to release the applicant on bail.

6. In view of above, the application is rejected.

7. Nonetheless, the Trial Court is directed to expeditiously complete the trial and to do so preferably within a period of six months from today.

8. All concerned parties shall co-operate with the Trial Court for completion of trial within the aforesaid period of six months. If for reasons not attributable to the applicant, the trial is not completed within six months, opportunity is reserved for the applicant to file fresh bail application.

9. This order be communicated to the counsel appearing for the parties, either on the email address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE

MP Deshpande