

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

LD-VC-BA NO. 173 OF 2020

Akash S/o. Babu Datta

vs.

The State of Maharashtra through PSO PS MIDC Akola

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

Court's or Judge's orders

Shri. A. S. Londhe, counsel for applicant.
Shri. N. R. Rode, APP for non-applicant State.

CORAM : MANISH PITALE J.

DATED : 12/06/2020

Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. Heard learned counsel for the applicant.

3. The applicant is seeking bail as he stood arrested in connection with F.I.R. dated 02/05/2019 registered for an offence under Section 376(d) of the I.P.C. It is pointed out by the learned counsel for the applicant that the F.I.R. mentions the name of only one accused person i.e. Manoj Mohan Raut and further states that he was accompanied by four unknown persons. Thus the name of the applicant is admittedly not stated in the F.I.R. Apart from this it is pointed out by the learned counsel for the applicant that a co-accused

person whose name was also not mentioned in the F.I.R. was granted bail by this Court by order dated 26/05/2020.

4. The learned APP appearing for the non-applicant State agreed to the fact that the co-accused person whose name was not mentioned in the F.I.R. was indeed granted bail by this Court by order dated 26/05/2020 and further that the name of the present applicant was also added on the basis of a subsequent statement given by the complainant.

5. The material on record also shows that medical examination report of the complainant specifically recorded that there was no evidence showing use of force on private parts of the victim.

6. Considering these aspects of the matter, this Court is of the opinion that the applicant in this application is also entitled to grant of bail.

7. In view of the above, the application is allowed on the following conditions :-

(i) The applicant shall be released on bail in connection with Crime No.85/2019, dated 02/05/2019, registered at Police Station M.I.D.C., Akola on furnishing PR bond of Rs.25000/- (Rupees Twenty Five Thousand only) and surety in the like amount.

(ii) The applicant shall not enter jurisdiction of Police Station M.I.D.C. Akola during pendency of the trial except for passing through the said jurisdiction to attend dates before the Trial Court.

(iii) The applicant shall report to Police Station Murtizapur Dist. Akola on second and fourth Monday of each month during pendency of the trial.

(iv) The applicant shall give details of his place of residence and contact number to the Trial Court within two weeks from release.

(v) The applicant shall not in any manner tamper with the evidence or influence the witnesses.

8. Application is disposed of.

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