

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

Criminal Application (BA) No. _____ of 2020 (LD-VC No. 964 of 2020)

*[Sushant S/o Badal Biswas Vs. State of Maharashtra through P.S.O., P.S. Chamorshi,
Tal. Chamorshi, Dist. Gadchiroli]*

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

Court's or Judge's Order

Shri N. R. Tekade, Advocate for the applicant
Shri N. B. Jawade, APP for the State/non-applicant

CORAM : M. G. GIRATKAR, J.

DATE : 13/08/2020

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

2. Heard learned Advocate Shri Tekade for the applicant. He has pointed out report lodged by the victim and statement of father-in-law of the victim, namely, Dulal Suren Masid. Learned Advocate submitted that main accused is Kanai Biswas who had taken the victim to Mumbai. She resided there for about 1½ months. As per the statement of her father in law, she was not ready to come at matrimonial house. She is major. She was having children. The main accused is Kanai Biswas and not the present applicant. Co-accused Adhir Biswas is released by this Court by order dated 6-8-2020. Role of the present applicant is not more than Adhir Biswas and, therefore, learned Advocate prayed to grant bail.

3. The application is strongly opposed by Shri Jawade, learned Additional Public Prosecutor. He

has submitted that the victim is a married woman. She was lured by the accused and she was sold at Mumbai for consideration of Rs. 5,00,000/-. The present applicant pressed her mouth when she was abducted. The application is liable to be rejected.

4. Perused the report. Kanai Biswas taken the victim to Mumbai. She resided there for about 1½ months. Statement of father-in-law of victim shows that there was meeting of panchayat in the village. In the meeting, there was talk with Kanai Biswas on his mobile phone and he told that victim was with him. Victim told on mobile phone that she was residing at Mumbai with Kanai Biswas and she do not want come to village. It appears that main allegations are against accused Kanai Biswas and not against the present applicant. Hence, the application is allowed.

5. The applicant be released on bail on executing PR Bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one solvent surety of like amount on following conditions.

(a) The applicant shall not tamper the evidence of prosecution witnesses.

(b) The applicant shall attend the trial Court on each and every date.

(c) The applicant shall not enter in the vicinity of the area where the witnesses reside.

6. Needless to say that the trial Court should not get influenced by the observations made above and shall decide the case on its own merits.

7. The application is disposed of accordingly.

8. 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

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