

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

Criminal Application (APPLN) No. 54 of 2020

Poonam D/o Shriram Rathod Vs. The State of Maharashtra and Another

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

Court's or Judge's orders

Mr. S.G. Joshi, Advocate for the applicant
Mr. Amit Chutke, APP for the respondent No.1

CORAM : MANISH PITALE, J.

DATED : AUGUST 12, 2021

This is an application seeking cancellation
of bail granted to the respondent No.2.

2. The learned counsel appearing for the applicant invited attention of this Court to the order dated 05/07/2019, whereby anticipatory bail was granted to the respondent No.2 on specific conditions, including a condition that he shall attend the concerned Police Station on Thursday between 11:00 AM to 1:00 PM, till completion of the investigation. The FIR in the present case was registered for offences under Sections 376(1), 376(2) (n) of the Indian Penal Code and later on under Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

3. It is an admitted position in the present case that the victim and the respondent No.2

(original accused) got married after registration of the offence. It appears that there has been some discord in their relationship. It is claimed by the applicant (original victim) that not only the respondent No.2 has violated specific conditions on which he was granted bail, but, he has threatened the applicant on two occasions, leading to registration of non-cognizable reports in the concerned Police Station.

4. It is in this backdrop that the applicant had filed an application for cancellation of bail before the Sessions Court. By the order dated 16/03/2020, the aforesaid Court rejected the said application, but, added an additional condition in the context of grant of bail to the respondent No.2. The said condition was to the effect that the respondent No.2 shall not visit or reside at village Hivalni Tah. Pusad District Yavatmal, till investigation is complete, since the applicant is a resident of that village.

5. The learned APP informs this Court that the investigation is already completed and that chargesheet has been filed in December 2020. It is also stated that list of twenty witnesses was given in the chargesheet and instructions can be sought as to how many witnesses the prosecution actually intends to examine.

6. This Court has considered the material on record. Barring allegation of failure of the respondent No.2 to attend the concerned Police Station on a couple of occasions, there does not appear to be sufficient material to pass the drastic order of cancellation of bail in the facts and circumstances of the present case. The order dated 16/03/2020, passed by the Sessions Court imposing additional condition has further taken care of the apprehension of the applicant that the respondent No.2 would be threatening her.

7. In these circumstances, the present application is found to be without any merit, but at the same time, this Court is of the opinion that it would be in the interest of justice that the trial in the present case is completed at the earliest.

8. In view of the above, the present application is dismissed. The trial Court is directed to proceed to complete the trial and render judgment in the present case on or before 31/12/2021.

9. The Application is disposed of.

JUDGE