

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

CRIMINAL APPLICATION NO. 410 OF 2021

Vrushali w/o Anil Khedikar

..vs..

State of Maharashtra and ors.

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

Court's or Judge's orders

Shri D.V. Chauhan, Advocate for the applicant.
Shri S.M. Ukey, A.P.P. for non-applicant no. 1.
Shri A.M. Quazi, Advocate for non-applicant nos. 2 to 4.

CORAM : VINAY JOSHI, J.
DATED : 14/06/2022.

Heard.

2. The applicant who is the informant of R.C.C. No. 85 of 2014 has challenged the order dated 17.02.2021 in Criminal Revision Application No.7 of 2021 by which the Sessions Judge, Bhandara has confirmed the order of the Magistrate dated 07.03.2020 rejecting the application for cancellation of bail.

3. At the instance of report lodged by the applicant-lady Crime No.18 of 2014 was registered for the offence punishable under Sections 448, 354-A(3), 506 read with Section 34 of the Indian Penal Code. On completion of investigation, the charge-sheet came to be filed. Charges are framed and the prosecution has examined two witnesses, who did not support the prosecution case. At this juncture, the applicant (informant) filed an application (Exhibit 51) before

the Trial Court i.e. the Magistrate's Court seeking cancellation of bail. It is contended that the respondents-accused are influential persons and they are pressurizing the witnesses. It is the submission that the respondents have employed two of the witnesses, in the result they did not support the prosecution case. Moreover, allegations are leveled that the accused are misusing their liberty and therefore, cancellation has been sought.

4. Learned Magistrate refused to cancel the bail and the same approach is adopted by the Revisional Court.

5. Learned Counsel appearing for the applicant took me through the evidence of both the witnesses to impress that they were under influence and therefore, remained back footed while giving evidence. Further, he took me through some of the observations of the learned Magistrate, wherein it is expressed that while accused were releasing on bail, no condition was imposed that they are refrained from tampering with the prosecution evidence. Needless to say that, the act of tampering amounts to an offence and therefore, it is not necessary to incorporate such condition. In other words, non incorporation of such condition would not authorize the accused to indulge into illegal activities.

6. The Respondents/accused were released on bail on 21.07.2014 i.e. prior to 8 years. This is a case of sexual harassment where the informant-lady has leveled certain allegations against the accused.

7. Having regard to the nature of crime, the evidence of informant (present applicant) is crucial. The informant-lady nowhere alleges that she has been threatened or pressurized by the respondents/accused.

8. Admittedly, none of the witness has approached to the Police for alleged pressurizing tactics. The trial is in progress. It is settled law that unless there exists overwhelming material the bail cannot be cancelled or refused. Already the respondents are on bail from last 8 years. I do not find any justifiable ground to curtail the liberty of the respondents. In view of that, the petition stands rejected and disposed of accordingly.

(VINAY JOSHI, J.)

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