

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 581 OF 2023

Jayashree Janardhan Kadam

...Applicant

Versus

Milind Laxman More And Anr

...Respondents

....

Mr. Prosper D'souza Advocate for Applicant.

Mr. Kunal V. Phoole Advocate for Respondent No.1.

Ms. P. N. Dabholkar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 19th JUNE, 2023.

P.C.:-

1. The only relief sought in this application is to direct the learned Sessions Court to prepone hearing of the application for cancellation of bail preferred by the applicant which has been adjourned to 14th August 2023.
2. The Respondent No.1 was granted bail by the Sessions Court vide order dated 16th September 2021 on certain terms and conditions which includes not to tamper with the prosecution witnesses in any way.
3. The applicant is the original complainant. She preferred application for cancellation of bail before the Sessions Court on the ground that the Respondent No.1 has been continuously harassing her after he was released on bail. The said application was preferred on 24th December 2021. The

order dated 23rd March 2023 passed by learned Sessions Court indicate that the Investigating Officer was directed to make the detail inquiry in respect of the alleged harassment to the complainant and submit the report to Court.

4. Learned Advocate for the applicant submitted that, the Respondent No.1 has been harassing the applicant continuously. She has lodged several complaints. The application for cancellation of bail is required to be heard expeditiously.

5. Learned Advocate for Respondent No.1 submitted that, the Respondent No.1 is defending the application for cancellation of bail. Learned Sessions Judge has adjourned the application on 14th August 2023 and the Investigating Officer is directed to conduct the inquiry with regard to the alleged harassment to the complainant. It is not necessary to prepone the hearing of application.

6. The applicant is original complainant in crime No.584 of 2021 lodged for offence under Section 376, 420, 509, 506 of Indian Penal Code. The application for cancellation of bail was filed on 24th December 2021. The ground for cancellation of bail is that, the accused had threatened the complainant. It is true that, the learned Sessions Judge has directed the Investigating Officer to conduct the inquiry with regard to the alleged harassment and the application has been adjourned on 14th August 2023. However, considering the grounds urged in the application for cancellation

of bail it would be necessary to decide the application expeditiously.

ORDER

(i) Learned Sessions Judge is requested to prepone the hearing of application for cancellation of bail preferred by applicant to 10th July 2023 and decide the application on that day or within short span of time from 10th July 2023.

(ii) It is made clear that, this Court has not expressed any view on the merits of the application preferred by the applicant and the Sessions Court shall decide the application on its own merits and in accordance with law.

(iii) Application stands disposed off.

(PRAKASH D. NAIK, J.)