



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

CRIMINAL APPLICATION (BA) NO.646 OF 2023

Lalsham Bapurao Meshram .Vs. State of Mah., through P.S.O., P.S. Bramhapuri, Dist.
Chandrapur and another

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

Court's or Judge's Order

Shri A.A. Dhawas, Advocate for applicant.

Shri Ujwal Phasate, A.P.P. for non-applicant No.1/State.

Ms. R.M. Mishra, Advocate for non-applicant No.2/Victim (Appointed).

CORAM : ANIL S. KILOR, J.

DATED : 25/10/2023

1. This is a successive bail application after withdrawal of the first application with liberty to file afresh after six months, if there is no progress in the trial. Earlier application was withdrawn on expressing that the Court was not inclined to grant bail.

2. Shri Dhawas, learned counsel for the applicant submits that, in last six months the charge is yet not framed and there is no possibility that the trial would conclude within reasonable period. He further submits that, there was a consent and as such, it cannot be said that the provision of Section 376 of the Indian Penal Code would attract in this case. He, accordingly, prays for grant of bail.

3. The learned APP strongly opposes the application on the ground that the offence is serious. It is submitted that, the applicant is in police department and

knowing well the consequences, he indulged himself in the said criminal activities. It is submitted that if the applicant is released on bail the victim may face threats and harassment at the hands of the applicant. He, therefore, prays for rejection of the bail application.

4. The learned counsel for the non-applicant No.2 reiterates the submission of the learned APP and prays for rejection of the present application.

5. After going through the allegation made in the First Information Report and the statement of witnesses, I find substance in the submission of the learned APP that knowing well the consequences of the criminal activities the applicant got indulged himself being working in the Police Department makes him disentitled for bail. Moreover, there is a possibility that if he is released on bail, he would pressurize or threaten the victim and in that event, there would be no fair trial. In the circumstances, I am not inclined to grant bail.

Accordingly, the application is **rejected**.

JUDGE