

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

...

CRIMINAL APPLICATION (BA) NO. 1089 of 2022

Ranjit Ashok Waghmare

.. Applicant

versus

The State of Maharashtra

Th: Its PSO PS Mangrulpir, Dist. Washim & another

.. Respondent/s

.....
Mr. K.S. Malokar, Advocate for the applicant

Mr. I J Damle, APP for Respondent No.1

Ms. D.V.Sapkal, Adv.(appointed) for Respondent No.2
.....

CORAM: ANIL L. PANSARE, J.

DATED : 9th March, 2023.

PC:

On 26th September 2022, the following order was passed :-

"1. The applicant is seeking bail in connection with Crime No.243/2022, dated 25/03/2022 registered with Police Station Mangrulpir, Tah. Mangrulpir, Dist. Washim for the offences punishable under sections 376, 363 and 366 of the Indian Penal Code, 1860.

2. Though in this matter, more than sufficient period is lapsed after issuing notice to the victim, the notice is not served upon the victim.

3. The learned counsel applicant is pressing for ad-interim bail. According to him, the applicant has been falsely implicated in the alleged offence and he is in jail since 26.03.2022.

4. Accordingly, I have perused the charge-sheet and the application.

5. From the charge-sheet, it can be seen that the medical report does not support the case of the prosecution and further there is delay of about two days in lodging the report.

6. *Thus, considering the nature and character of evidence collected during the investigation, I am of the opinion that, the applicant is entitled for grant of ad-interim bail till disposal of the present application. In the circumstances, I pass the following order :-*

a) *By way of ad-interim direction, it is directed that the applicant in connection with Crime No. 243/2022, dated 25.03.2022 registered with Police Station Mangrulpir Tah. Mangrulpir, Dist.Washim for the offences punishable under sections 376, 363, 366 of the Indian Penal Code, 1860, shall be released on ad-interim bail on furnishing PR bond of Rs. 20,000/- with one solvent surety in the like amount ;*

c) *Place this matter on 10/10/2022;*

d) *In the meanwhile, the learned APP makes a statement that, he will ensure that the service is made on the victim."*

2. Heard Ms. D.V. Sapkal, learned Advocate (appointed) for the non-applicant No.2-victim. She could not put forth any ground for not confirming the interim bail. In addition, the learned APP submits that charge-sheet in the matter has been filed.

3. There is thus no reason as to why interim relief should not be confirmed. Nothing is to be recovered from the applicant. It will be thus appropriate to confirm the interim bail with certain conditions. Hence, the interim relief stands confirmed with following additional conditions :

- (i) The Application is allowed.
- (ii) The applicant-Rajnit Ashok Waghmare, be released on bail, in Crime No.243/2022 registered with Police Station mangrulpir, Tah.Mangrulpir Dist.Washim, for the offences punishable under Sections 376, 363, 366 of the Indian Penal Code, on he furnishing P.R. bond in the sum of Rs. 25,000/- (Rupees twenty five thousand) with one surety in the like amount.
- (iii) The applicant shall, at the time of execution of bond, furnish his address and telephone/mobile number (s) to the Investigating officer and the Court concerned, and shall not change the mobile number(s) and the residence till the final disposal of the case.
- (iv) The applicant shall regularly attend the court and cooperate the learned trial Court to complete the trial for the above offences. The applicant shall not seek adjournments, except under extreme circumstances to the satisfaction of the trial Court.
- (v) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or any Police Officer.
- (vi) The applicant shall maintain law and order.
- (vii) The applicant shall not contact the victim/respondent No.2 in any manner.
- (viii) In case of breach of any condition, the learned trial Court is at liberty to cancel the bail after giving opportunity of hearing to both the sides.

5. The professional fees of Advocate (Ms) D.V. Sapkal, appointed for respondent No.2 be quantified and paid as per the Rules.

The Application is disposed of in the above terms.

[ANIL L. PANSARE, J.]

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