



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

Criminal Application (BA) No. 898 of 2023

Ganesh Murlidhar Sathe

Versus

The State of Maharashtra, through Police Station Officer, Police Station
Awdhutwadi, Dist. Yavatmal 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 M.N.Ali, Advocate for the applicant.

Shri Shyam Bissa, APP for the respondent/State.

CORAM : ANIL S. KILOR, J.

DATED : 14th DECEMBER, 2023.

This is a successive application after withdrawal of the first bail application with liberty to move a fresh application in case there will be no substantive progress in the trial in near future.

2. It is the case of the applicant that even charge is not yet framed after withdrawal of the first application. It is submitted that the applicant is in jail from 31st December, 2021 i.e. for two years. The victim in the present matter is aged 37 years and she is resident of Yavatmal.

3. Thus, considering the material available on record and the fact that there are 30 witnesses and till date no charge is framed, it is not possible that trial would conclude in near future.

4. In the circumstances, considering the period of incarceration of the applicant, I am of the opinion that he is entitled for grant of bail.

5. As far as the apprehension expressed by the learned Assistant Public Prosecutor and the learned counsel for the victim that the applicant may pressurize the victim, the said apprehension can be addressed by putting certain stringent conditions. Accordingly, I pass the following order.

- i. Criminal application is allowed.
- ii. It is directed that the applicant shall be released on bail in Crime No.1141 of 2021, registered with Police Station, Awdhutwadi Dist. Yavatmal for the offences punishable under Sections 377, 376(2)(n), 323, 504, 506 of Indian Penal Code, on his furnishing P.R. Bond of Rupees Twenty Five Thousand with one solvent surety in the like amount;
- iii. The applicant shall not enter into the territorial jurisdiction of Yavatmal till culmination of the trial except for the trial;

- iv. The applicant shall provide his address and name of the nearest Police Station which he shall attend on every first and sixteenth day of every month between 10:00 a.m. and 11:00 a.m., till culmination of the trial;
- v. The applicant shall not tamper with the prosecution evidence;
- vi. The State is at liberty to move for cancellation of bail if any default on the part of the applicant;
- vii. The applicant shall attend the trial on each and every date before the Sessions Court, Yavatmal unless exemption is granted by the Sessions Court, Yavatmal.
- viii. Fees of the learned counsel for the victim, be quantified as per the Rules.

[ANIL S. KILOR, J.]