



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

CRIMINAL APPLICATION (BA) NO.788 OF 2024

(Raghavendra @ Raj s/o Radheshyam Yadav Vs State of Maharashtra and anr.)

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

Court's or Judge's Order

Mr. A.S. Mardikar, Senior Counsel with Mr. D.P. Singh, counsel for the
applicant.

Mr. N.B. Jawade, APP for the State.

Ms B.C. Dhruv, Advocate (appointed) for non-applicant No.2.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- OCTOBER 7, 2024.

By this application, the applicant is seeking
bail in connection with Crime No.1152/2023 registered
with Police Station M.I.D.C, Nagpur, District Nagpur for
the offence punishable under Sections 313, 323 and
376(2)(n) of the Indian Penal Code, 1860.

2. Initially, the applicant was arrested on
05/12/2023 and applied for bail. He was released on bail
by the Additional Sessions Judge on 09/01/2024 by
imposing condition that he shall not contact to the
prosecutrix or the witnesses in any manner or way or
through electronic media. During the pendency of the
trial, when applicant was on bail another crime was
registered against him on the basis of report filed by the
victim on an allegation that intentionally applicant has
tried to contact her, gave dash to her, and therefore, she
sustained injuries. Thus, the applicant has committed the

breach of the condition imposed on him and the Sessions Court cancelled his bail on 08/07/2024. After cancellation of bail, again he was arrested and he is behind bar.

3. Heard learned Senior Counsel for the applicant who submitted that the Sessions Court has considered while releasing him on bail that they were acquainted with each other. The victim is a lady who has attained the age of majority and there was a long standing relationship between them, and therefore, there is a consensual relationship. The Sessions Court releasing the applicant on bail by imposing certain conditions. One of the condition imposed on the applicant was that the applicant/accused shall not contact to the victim or witnesses in any manner or way or through electronic media. Learned Senior Counsel submitted that as far as the another offence registered against the present applicant is concerned, this Court has already released the applicant on bail by observing that due to the dash of the vehicle of the present applicant to the vehicle of the victim, she has sustained injuries. The medical report shows that the injuries is simple in nature. He submitted that suddenly they came in front of each other and the accident occurred, and therefore, the crime was registered against the present applicant. He submitted that it is not the breach of the condition as the applicant has not attempted either to contact the victim physically or by way of electronic media. Therefore, the observation of the trial Court is erroneous and liable to be rejected.

4. Learned APP and learned Counsel for non-applicant No.2 strongly opposed the said application and submitted that intentionally applicant has gave dash to the vehicle of the informant to threaten her and thus, he has committed the breach of the condition. In view of that, the application deserves to be rejected.

5. After hearing learned Senior Counsel for the applicant and learned APP for the State and learned Counsel for non-applicant No.2. Perused the entire investigation papers it reveals that initially the applicant was involved in a crime bearing No.1152/2023 and the allegation against the present applicant on the basis of the report by the victim is that there was a long standing relationship between them. The present applicant subjected her forceful sexual assault on the promise of marriage and subsequently he duped her. It is further alleged that he has also forced her to terminate the pregnancy by assaulting her but considering the relationship is consensual nature, he was released on bail. Subsequently, the bail was cancelled on the ground that the second crime is registered against him under Section 307. On perusal of the investigation papers of the another crime it reveals that the statements of various witnesses and CCTV footage shows that it was only the dash between the two vehicles due to which the victim has sustained the injuries. The injuries sustained by the victim are also of a simple nature. As far as the tampering of the witnesses are concerned admittedly, except the statement

of the victim there was no material as to the fact that the said incident was occurred only to threaten the victim or to pressurise her or to tamper the witnesses. Now, the investigation is completed and charge-sheet is filed. As far as further incarceration is concerned which is not required. The apprehension raised by the learned APP even if taken into consideration, the applicant has made out a case for grant of bail by imposing certain conditions. Accordingly, I proceed to pass the following order;

(i) The application is allowed.

(ii) The applicant - Raghavendra @ Raj s/o Radheshyam Yadav in connection with Crime No.1152/2023 registered with Police Station M.I.D.C, Nagpur, District Nagpur for the offence punishable under Sections 313, 323 and 376(2)(n) of the Indian Penal Code, 1860, be released on bail on executing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall not enter into the jurisdiction of police station Mankapur, Nagpur, till culmination of the trial.

(iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case including

Corrected as per
Court's order dated
23/10/2024.

victim in any manner including the electronic media.

(v) The applicant shall attend proceedings before the Special Court without seeking any exemption unless there are exceptional circumstances.

6. The application is disposed of.

7. The fees of the appointed Counsel be quantified as per rules.

(URMILA JOSHI-PHALKE, J.)

**Divya*