



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

CRIMINAL APPLICATION (BA) NO.1000 OF 2023

(Nitin Laxman Verma 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. R.R. Vyas, Advocate for the applicant.
Mr. S.S. Hulke, APP for the State.
Ms C.S. Bhute, Advocate (appointed) for non-applicant No.2.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- FEBRUARY 8, 2024.

By preferring this application, the applicant is seeking bail under Section 439 of the Code of Criminal Procedure in connection with Crime No.786/2021 registered with Police Station Dabki Road, Akola, District Akola for the offence punishable under Sections 376(2) (n), 324, 504 and 506 of the Indian Penal Code.

2. Learned Counsel for the applicant submitted that the applicant came to be arrested on 22/12/2021 thereafter he was released on bail by the Sessions Court and the trial was commenced. During the evidence of the victim when witness was about to leave the witness box the present applicant approached to her and give some signals, therefore, the witness apprehended that he is pressurizing her and she made a complaint to the Court.

3. The Court i.e. the Additional Session Judge, Akola took the cognizance of the complaint and cancelled

the bail of the present applicant, and therefore, he approached to this Court.

4. Learned Counsel for the applicant submitted that from the recitals of the FIR, it reveals that there was a consensual relationship between the present applicant and the victim for two years subsequently, the dispute arose between them and they started residing separately. Thereafter the victim has lodged the report against the present applicant. He submitted that now the material witnesses are already examined by the prosecution only evidence of the Investigating Officer is remained to be recorded. Considering that, the applicant was initially on bail only on the part that the applicant has committed some mistake, his bail is cancelled. In view of that he be released on bail.

5. Learned Additional Public Prosecutor strongly opposed the application on the ground that the victim is apprehending the death at the hands of present applicant. She has already made a complaint to the police station as well as the act of the present applicant is noted by the trial Court. If he is released on bail there is apprehension of any endanger to the life of the victim, in view of that the application deserves to be rejected.

6. Learned Counsel for the victim also endorsed the same contention and submitted for the rejection of the application.

7. Having heard learned Counsel for the parties and perused the recitals of the FIR. Admittedly, from the recitals of the FIR it reveals that there was a consensual relationship between the present applicant and the victim and subsequently it was broken due to some disputes between them. The trial Court has released the applicant on bail considering these facts and the trial was commenced. It is apparent that the trial Court has cancelled the bail by noting the incident that when the evidence of the victim was recorded and she was about to leave the witness box, present applicant approached to her and gave her some signals and trial Court observed that the applicant has attempted to pressurize her and threat her and cancelled the bail.

8. Considering the fact that now the evidence of the material witnesses is already recorded and only evidence of the Investigating Officer remained to be recorded. No purpose would be served by keeping the present applicant behind bar, his further incarceration is not required. However, noting the conduct of the present applicant some conditions requires to be imposed on the present applicant. In view of that, application deserves to be allowed. Accordingly, I proceed to pass the following order :

(i) The application is allowed.

(ii) The applicant - Nitin Laxman Verma in connection with Crime No.786/2021

registered with Police Station Dabki Road, Akola, District Akola for the offence punishable under Sections 376(2)(n), 324, 504 and 506 of the Indian Penal Code, be released on bail on furnishing P.R. bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall not enter into the vicinity of Akola City except attending the trial Court till the culmination of the trial.

(iv) The applicant shall furnish his Cell phone number and address where he would reside after release on bail with address proof before the Investigating officer.

(v) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

8. The application is disposed of.

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

(URMILA JOSHI-PHALKE, J.)