

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO. 2865 OF 2015.

SWAPNALI W/O GANESH JARANDE.
VERSUS
THE STATE OF MAHARASHTRA.

Appearance =>

Mr. Vikram S. Undre, Advocate for the Applicant.

Mr. A.S. Shinde, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 26th June, 2015.

Per Court :-

Present Criminal Application is filed by the Applicant for grant of regular bail in connection with CR No.20/2015 registered with Police Station, Ambi, Taluka – Bhoom, District – Osmanabad for the offences punishable under Section/s 363, 366(A), 376 read with 34 of the Indian Penal Code and under Section/s 4 and 17 of the Protection of Children from Sexual Offences Act.

[2] Heard Mr. Vikram S. Undre, learned counsel for the Applicant and Mr. A.S. Shinde, learned Additional Public Prosecutor for the State of Maharashtra.

[3] First Information Report is lodged by Dattatraya Kalidas More, who is father of the prosecutrix. First Information Report is lodged on 17th

April, 2015. The prosecutrix was not available in the house since 13th April, 2015. In the First Information Report, name of the present applicant is not at all taken. In the report, suspicion is raised against Nitin Ram Parande, who is brother in law of the present Applicant.

[4] During the course of investigation, statement of prosecutrix is recorded. Her statement would reveals that present Applicant has called the prosecutrix saying that Nitin is loving her. It appears that thereafter, Nitin has taken away prosecutrix and has committed sexual intercourse with her.

[5] Prima facie from the statement of the prosecutrix, it does not reveals that the Applicant was knowing that the prosecutrix will be ravished by her brother in law. Further the learned counsel for the Applicant has submitted that present Applicant is having two small kids, 1 year and 3 years old.

[6] The Applicant is arrested on 23rd April, 2015 and since then she is in jail. Main accused – Nitin is in jail.

[7] Looking to the nature of the allegations and since the Applicant is in jail for considerable period of time, discretion can be exercised in favour of the present Applicant. That leads me to pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) Applicant - SWAPNALI W/O GANESH JARANDE shall be released on regular bail on she executing P.R. Bond of

Rs. 5,000/- [Rs. Five Thousand.] with one solvent surety in the like amount, in connection with CR No.20/2015 registered with Police Station, Ambi, Taluka – Bhoom, District – Osmanabad for the offences punishable under Section/s 363, 366(A), 376 read with 34 of the Indian Penal Code and under Section/s 4 and 17 of the Protection of Children from Sexual Offences Act.

(iii) Bail before trial court.

(iv) With this Criminal Application is allowed and same is disposed of, accordingly.

(V.M. DESHPANDE, J.)