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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.4871 OF 2015

Jaya w/o Rajendra Patil

..APPLICANT

VERSUS

The State of Maharashtra

..RESPONDENT

Mr S.C. Swami, Advocate for applicant;
Mr N.T. Bhagat, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 12th October, 2015

ORAL ORDER :

By the present application, the applicant seeks her release on bail, in the event of arrest, in connection with C.R. No.93 of 2015, registered with Gandhi Chowk Police Station, Latur, for offences punishable under sections 11 (2), (4), 12, 17, 18 of Protection of Children from Sexual Offences Act, under sections 9, 10, 11 of Prevention of Child Marriage Act, under sections 354, 354 (d), 366 (a) of the Indian Penal Code and under sections 3 (1) (x) and (xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. Mr Swami, learned Counsel appearing on behalf of the applicant would urge that but for the applicant, rest of the accused are already released on bail. He would further urge that the first information report reflects that the only allegation against the applicant is that she had accompanied the victim and her mother to village Gulpoli. He would urge that the victim has admitted in the first information report itself that there was no sexual intercourse with her.

(2)

3. According to the learned Counsel, in view of above and having regard to the contents of the first information report, the provisions of Protection of Children from Sexual Offences Act, 2012, *prima facie*, are not attracted against the applicant. He would further urge that the other offences for which the applicant is booked, are not serious.

4. While opposing the bail application, learned Addl. Public Prosecutor would submit that since the other accused persons are released on bail, it will be appropriate that the applicant is subjected to custodial interrogation, as she is booked under the provisions of the Protection of Children from Sexual Offences Act. He would further urge that there is *prima facie* involvement of the applicant in the commission of the crime in question and as such prayed for rejection of the application.

5. From the record and upon perusal of the contents of the first information report it depicts that the role attributed to the present applicant is that of accompanying the victim along with her mother to village Gulpoli, where the victim was compelled to get married. The victim, in an unequivocal terms, has stated that though she was got married to one Shatrughan, yet there was no physical relationship with the said person.

6. In view of above, in my opinion, the applicability of the provisions of Protection of Children from Sexual Offences Act against the applicant needs a detailed scrutiny, which could be gone into at the stage of trial. However, for the said purpose, custodial interrogation of the applicant is not necessary. I, therefore, pass following order :-

In the event of arrest of the applicant, in connection with C.R. No.93 of 2015, registered with Gandhi Chowk Police Station, Latur, for offences punishable under sections 11 (2), (4), 12, 17, 18 of Protection of Children from Sexual Offences Act, under sections 9, 10, 11 of Prevention of Child Marriage Act, under sections 354, 354 (d), 366 (a) of the Indian Penal Code and under sections 3 (1) (x) and (xi) of the Scheduled Castes and

(3)

Scheduled Tribes (Prevention of Atrocities) Act, she be released on bail, on furnishing P.R. Bond of Rs.10,000/- with one surety in the like amount.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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