

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1522 OF 2015**

Smt. Surekha Shankar Pawar

..Applicant

v/s.

The State of Maharashtra.

..Respondent

Mr.Milind Deshmukh for the Applicant

Mrs. R. V. Neuton, APP for the Respondent-State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : NOVEMBER 26, 2015.**

P.C.

. This is an application for bail filed by the applicant who is arrested in C. C. No.55 of 2015 pending on the file of Special Judge-1, Baramati for offences under Section 363, 366 A, 506 of the Indian Penal Code and under Section 6 and 17 of P.O.C.S.O. Act.

2. Heard learned counsel for the applicant and the learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The records prima facie reveal that Sitabai Rathod,

mother of the victim had lodged a complaint dated 12/3/2015 stating that on 11/3/2015 her minor daughter had gone for work however had not returned home and that she had learnt that the applicant herein had kidnapped her. Pursuant to the complaint aforesaid crime came to be registered under section 363 of the IPC. Subsequently, the girl was traced at Siligudi along with one boy by name Mistry Hyder Mustafa Ali. The girl was produced before the learned Magistrate at Siligudi Court and custody of the girl was handed over to her father.

4. The statement of the victim girl prima facie reveals that the applicant under the pretext of taking her to the hospital, where the niece of the applicant was admitted, had boarded with the victim on a train and while they were traveling, the applicant moved a handkerchief on the face of the victim due to which the victim became unconscious. On regaining consciousness, the victim learnt that she had reached Calcutta. She further stated that the applicant had performed her marriage with one Mistry. The statement of the victim reveals she had stayed with said Mistry at different places and different lodges.

5. It is true that the victim was a minor and her consent is not relevant or material. Nevertheless though the victim had stayed with Mistry at different places, she had not disclosed these facts to any one. Even after the victim was rescued and her custody was handed over to her father, the victim had not disclosed the said facts to her mother. Furthermore, the applicant is a woman and chargesheet having been filed the presence of the applicant is no longer required in the custody.

6. Considering the above facts and circumstances, in my considered view the applicant is entitled for bail. Hence the bail application is allowed on the following terms and conditions:

- i) The applicant be released on bail on the applicant furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand Only) with one or two solvent surety/ies in the like amount to the satisfaction of the learned Special Judge-1, Baramati.
- ii) The applicant shall not interfere or tamper with the evidence in any manner.

iii) The applicant shall appear before the Court as and when required.

(ANUJA PRABHUDESSAI, J.)