

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.1939 OF 2015

Heena Bablu alias Imran Khan .Applicant
alias Pathan

v/s.

The State of Maharashtra .Respondent

Mr.P.S.Hagare, Advocate, for the Applicant
Mrs.P.P.Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 27.10.2015

P.C.

. Heard learned counsel for the applicant
and the learned APP for the respondent – State.

2. By this application, the applicant
seeks her enlargement on bail in connection with
C.R.No.217 of 2015 registered with the Yavat
Police Station, Taluka – Daund, District - Pune,
for the alleged offences punishable under
Sections 376 & 504 r/w.34 of the Indian Penal
Code and under Sections 4 & 6 of the Protection

of Children from Sexual Offences Act (for short 'POCSO' Act).

3. The applicant is the sister-in-law of the co-accused Yakub Pathan. The prosecutrix aged 13 years has stated that the co-accused was staying with the present applicant. She has stated that one month prior to the incident, she met the co-accused in the house of the applicant. She has stated that the present applicant disclosed to her that Yakub Pathan was in love with her. She has stated that thereafter, she fell in love with the co-accused Yakub Pathan and would visit their house very often. She has stated that on one occasion she had physical relations with the co-accused Yakub Pathan. She has alleged that thereafter, on several occasions she would go along with the co-accused to various places and that they would have physical relations and on some occasions he

had forcible sexual intercourse with her. She has stated that on 22.07.2015, the co-accused gave her Rs.100/- and dropped her near Vaibhav Theatre and left her alone and thereafter, she reached Yavat at about 9.00 a.m. in the morning. She has alleged that she disclosed the said incident to the present applicant, who disclosed to her that Yakub Pathan was engaged and that she should forget about him. Pursuant to the same, the aforesaid complaint was lodged.

4. Learned counsel for the applicant states that there are no allegations as against the applicant and the only allegation as against the present applicant is that she was aware of the relations between the prosecutrix and the co-accused and she had disclosed to her much later that the co-accused was engaged and that she should leave him.

5. Learned APP does not dispute the aforesaid allegations qua the applicant.

6. Considering the aforesaid allegations and the fact that the applicant has been in custody since her arrest i.e. 24.07.2015, the applicant is enlarged on bail on the following terms & conditions:

ORDER

(i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs.10,000/- with one or two sureties in the like amount;

(ii) The applicant shall attend the Yavat Police Station, Taluka – Daund, District – Pune on every Saturday between 10:00 a.m. and 11:00 a.m. till the filing of the charge-sheet;

(iii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The applicant shall inform her latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant to cooperate with the conduct of the trial;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the

observations made in this order.

All concerned to act on the
authenticated copy of this order.

(REVATI MOHITE DERE, J.)