

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

CRIMINAL BAIL APPLICATION NO.2070 OF 2015

Sunanda Somnath Dighe

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mrs. Aisha Mohd. Subair Ansari for the Applicant.

Ms Veera Shinde, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 16th NOVEMBER, 2015.

P. C. :

This is an application for bail filed by the aforesaid Applicant, who is an accused in Sessions Case No.213 of 2015 pending before the learned Sessions Judge/Special Judge, Nashik, for the offences punishable under sections 376, 323, 504 and 506 r/w. section 34 of the IPC and under sections 3,4,7 and 8 of the Protection of Children From Sexual Offences Act, 2012.

2. The learned counsel for the Applicant has submitted that there is no other material to show the involvement of the Applicant in any serious or heinous crime.

3. The learned APP has submitted that apart from the allegations of abetment she is also involved in committing the offence under the Protection of Children From Sexual Offences Act, 2012.

4. The perusal of the records reveal that one Sarla Sonawane had lodged a complaint alleging that accused No.1 Somnath Bacchu Dighe had sexually abused her and her sister. The only allegation against the Applicant is that she had assaulted the complainant and her minor sister. It may be mentioned here that the Applicant herein being a woman cannot be prosecuted for the offence punishable under section 376 of the IPC. The reliance is placed on the case of **Priya Patel Vs.State of M.P. & Anr. (2006) 6 SCC 263.**

5. In my view said allegations against the Applicant are neither heinous nor grave. Considering the nature of the allegations and also considering that the investigation is complete, in my considered view the Applicant is entitled for bail.

6. The application is allowed. The Applicant is ordered to be released on bail on furnishing P.R. bond of Rs.20,000/- with one solvent surety in the like amount to the satisfaction of the Sessions

Court (Special), Nashik. The Applicant shall not interfere with the complainant, victim and their family members in any manner.

(ANUJA PRABHUDESSAI, J.)