

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1569 OF 2016

1. Sunita w/o Suresh Ingle,
Age : 33 years. Occu. Household,
R/o Goltekadi, District Pune
2. Sunanda w/o Atmaram Rajguru,
Age : 55 years, Occu. Household,
R/o Dighol, Tq. Jamkhed,
District Ahmednagar

APPLICANTS

VERSUS

The State of Maharashtra
through Police Station Officer,
Jamkhed Police Station, Taluka
Jamkhed, District Ahmednagar

RESPONDENT

Mr. Atul B. Hawale, Advocate for the applicants
Mr. U.S. Mote, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.

DATE : 01/04/2016

ORAL ORDER :

1. Heard both sides.
2. The present applicants, who are arrested by
Jamkhed Police Station, District Ahmednagar in Crime No.
I-18/2016, registered for the offences punishable under
section 366, 366A, 376, 342, 504, 506 read with section
34 of the Indian Penal Code and under section 4 of the

Protection of Children from Sexual Offences Act, are praying for their release on bail.

3. Both the present applicants were arrested on 14th February, 2016.

4. The FIR of the fifteen years and four months old victim would show that she resides with her parents in the village. Her parents have settled her marriage with another person. However, she was not ready to marry with the said person. Therefore, she consulted her neighbour i.e. the present applicant No. 2 Sunanda. Applicant Sunanda had suggested the son of the present applicant No. 1, namely, Vikas as a suitable boy.

. Thereafter, however, it is alleged that applicant No. 1 had not allowed her to have consultation with her family members and at 2.00 p.m. in the noon on 24th December, 2015, she had taken her forcibly to Pune i.e. the native place of the applicant No. 2, her marriage was solemnized with said Vikas on 13th January, 2016 at Baudhavihar at Goltekdi, Pune and thereafter, son of the applicant No. 1 forcibly committed sexual intercourse with the victim by confining her for 5 to 6

days. Thereafter, she requested the son of the said applicant to take her to her home and accordingly, he brought her to her home at village Dighol, Taluka Jamkhed. Thereafter, said son Ashok without informing the victim/complainant, left her. In the circumstances, the complaint came to be filed.

5. Learned counsel for the applicants submitted that the applicants are behind the bars since 14th February, 2016. Both of them are women. The investigation is practically complete. The contents in the FIR itself are not logical. In the circumstances, he submitted that the applicants be released on bail.

6. Learned A.P.P. opposed the application. He submitted that the school leaving certificate collected by the investigating officer would show that the victim was fifteen years and four months old and in the circumstances, the offence against the principal accused of commission of rape is made out and the present applicants have abetted the commission of the said offence.

7. Considering the overall material on record,

since the applicants are women, the investigation is practically complete and the trial may take its own time, in my view, both the applicants deserve be released on bail. Hence, the following order.

8. Both the applicants be released on bail in Crime No. I-18/2016, registered with Jamkhed Police Station, District Ahmednagar for the offences punishable under section 366, 366A, 376, 342, 504, 506 read with section 34 of the Indian Penal Code and under section 4 of the Protection of Children from Sexual Offences Act, on their executing P.R. bond in the sum of Rs. 15,000/- (rupees fifteen thousand) each and also upon furnishing surety each in the like amount.

9. The present application is accordingly allowed and disposed of.

[M.T. JOSHI]
JUDGE

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