

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

**CRIMINAL APPLICATION NO. 1828 OF 2016**

Surekha w/o Krushnat Kasar,  
Age : 50 years, Occu. Business,  
R/o Kekhale, Tq. Panhalgad,  
District Kolhapur

APPLICANT

**VERSUS**

The State of Maharashtra,  
through Murud Police Station,  
District Latur

RESPONDENT

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Mr. T.M. Venjane, Advocate for the applicant  
Mr. A.S. Shinde, A.P.P. for the respondent-State

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**CORAM : M.T. JOSHI, J.**

**DATE : 06/04/2016**

**ORAL ORDER :**

1. Heard both sides.
2. The present applicant who is arrested by Murud Police Station, District Latur in Crime No. 37/2016, registered for the offences punishable under section 363, 366A, 376 (2) (N), 372 read with section 34 of the Indian Penal Code and under section 6, 17 of the Protection of Children from Sexual Offences Act, is praying for her release on bail.

3. The victim, who according to the prosecution is sixteen years old, went missing from her home in village Gadhwad within the territorial limits of Police Station, Murud. Therefore, her mother filed the missing complaint. Lateron, the victim was recovered and her statement was recorded, according to which, one Laxman Satish Kale was earlier known to her and they were always talking over phone with each other. Once, she had accompanied him on a motorcycle.

. Ultimately on 18<sup>th</sup> February, 2016, said Laxman Kale asked the victim to accompany him out of the village. Thereat, when she went there, he had forcible sexual intercourse with her. Thereafter, in the evening, he came with a four wheeler. At that time two more persons, namely, Shankar Kale and driver Meghraj Gavane were with him. Thereafter, said Laxman Kale took her to Kolhapur.

. At Kolhapur, the present applicant was called. Certain talks took place between said Laxman Kale and the present applicant. Thereafter, alongwith the applicant, said Laxman took the victim to village Kokrud. Thereafter, they went to the house of one

Sandeep Ananda Kasar. Thereat, one room was arranged. The marriage of the victim with said Sandeep was performed against her wish at village Hatkalangne on 19<sup>th</sup> February, 2016. During this marriage function, the present applicant was not present. Thereafter, said Sandeep committed forcible sexual intercourse with her. Thereafter, she was recovered on 23<sup>rd</sup> February, 2016. Hence, the crime came to be registered.

4. Mr. T.M. Venjane, learned counsel for the applicant, submitted that the present applicant is resident of Kolhapur. She is 50 years old woman. The role attributed to her in the entire episode is that she accompanied the main accused and the victim for certain distance from Kolhapur and to her village. Thereafter, according to the victim herself, the present applicant was not present in the marriage function. The applicant is behind the bars since 24<sup>th</sup> February, 2016. Therefore, considering all these facts, she be released on bail.

5. Learned A.P.P. opposed the application. He submitted that the victim is sixteen years old and against her wish, not only sexual intercourse was committed by two persons but her marriage was performed.

The present applicant had accompanied the main accused.

6. Upon hearing, it is gathered that Sandip Kasar is also native of the village of the complainant. Considering the alleged role of the present applicant and that she is a woman, in my view, she deserves to be released on bail, on certain conditions. Hence, the following order:-

7. The applicant be released on bail in Crime No. 37/2016, registered with Murud Police Station, District Latur for the offences punishable under section 363, 366A, 376 (2) (N), 372 read with section 34 of the Indian Penal Code and under section 6, 17 of the Protection of Children from Sexual Offences Act, on her executing P.R. bond in the sum of Rs. 15,000/- (rupees fifteen thousand) and also upon furnishing surety in the like amount.

8. The applicant shall not enter the territorial limits of Murud Police Station, District Latur, as the victim resides in the village of the said area, till the trial is completed. The applicant shall not make any attempt to influence any of the prosecution witnesses in

any manner.

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

**[M.T. JOSHI]**  
**JUDGE**

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