

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

Criminal Application No. 5590 of 2016

District : Aurangabad

Rekha Sainath Jagtap,
Age : 26 years,
Occupation : Household,
R/o. Gopalwadi,
Taluka : Gangapur,
District : Aurangabad.

.. Applicant.

versus

1. The State of Maharashtra,
Through the Superintendent
of Police,
Aurangabad.

2. The In-charge Investigation
Officer,
Police Station, Shillegaon,
Taluka : Gangapur,
District : Aurangabad.

.. Respondents.

.....

Mr. V.S. Undre, Advocate, for the applicant.

*Mr. S.P. Sonpawale, Addl. Public Prosecutor, for
respondent nos.1 and 2.*

.....

CORAM : A.M. BADAR, J.

DATE : 18TH OCTOBER 2016

ORAL ORDER:

The applicant / accused in Crime No.

156/2016 registered with Shillegaon Police Station, Taluka Gangapur, District Aurangabad, for offences punishable under Sections 363, 366, 376(2)(i), 109 of the Indian Penal Code, read with Sections 4, 8, 11(1) & 12 of the Protection of Children From Sexual Offences Act, 2012, by this application, is seeking her release on bail.

2. Heard the learned Counsel appearing for the applicant / accused as well as the learned Addl. Public Prosecutor appearing for the respondent / State.

3. The learned Addl. Public Prosecutor argued that the minor female victim of this crime has categorically mentioned name of the present applicant as a person who has instigated her to elope with co-accused Ganesh Kurhade.

4. Perused papers of investigation. In the night intervening 30.05.2016 and 31.05.2016, two couples eloped from village Ranjangaon Pol. Present applicant is one of the female member of that team. She eloped with Nitin Bodkhe, whereas the minor female victim eloped with co-accused Ganesh Kurhade. Perusal of the statement of the minor female victim shows that the present applicant has instigated her to elope with co-accused Ganesh Kurhade.

5. Considering the nature of allegations against the present applicant and the fact that the minor female victim of the crime in question is already traced by the Police and as necessary investigation qua the present applicant is already over, her further pre-trial detention is not warranted.

6. Hence, I pass the following order :-

(a) The Application is allowed.

(b) The applicant / accused, in the above crime, be released on bail on her executing P.R. Bond in the sum of Rs. 15,000/- and on furnishing one or more solvent sureties of the like amount.

(c) As conditions of this order, the applicant / accused shall abide by the following directives :-

(i) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.

(ii) The applicant shall not tamper with the prosecution evidence in any manner and

shall cooperate the learned trial Judge in expeditious disposal of the trial, in the event of filing charge-sheet, if any, against her.

(iii) The applicant shall not repeat commission of similar type of offences in future.

(d) The Application stands disposed of in the above terms.

(A.M. BADAR)
JUDGE

.....