

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.42 OF 2016

Nanda Devidas Ghoderao ... Applicant

vs.

The State of Maharashtra ... Respondent

Mr. Silvin Kale, for the Applicant.

Mrs. Rutuja Ambekar, APP for Respondent – State.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **1st APRIL, 2016**

P.C.:

. The application is moved for pre arrest bail as the applicant/accused is facing charges for the offences punishable under Sections 312, 116, 166, 468 and 201 of the Indian Penal Code and under Prevention of Corruption Act in C.R. No. I-369 of 2015 registered with Hill Line police station, Ulhasnagar, Dist. Thane. The offence is registered at the instance of one Shashikant Chavan on 8th December, 2015.

2. It is the case of the prosecution that one Shanti-sadan

Women Hostel is run by the Government and it is under Women and Children Development department. The victims of the offence under P.I.T.A. are admitted in the said hostel. The applicant/accused was the Superintendent of the said institution. It is the case of the prosecution that the applicant/accused allowed one victim who was admitted in the hostel on 18th September, 2013 to have sexual relation with one person who represented as the husband of the said victim. The applicant/accused allowed them to meet privately in the hostel and for that purpose she accepted some consideration from the so called husband of the victim. Therefore, the victim remain pregnant. Therefore when the victim tried to abort the applicant/accused helped the victim. It is the case of the prosecution that the applicant/accused also committed forgery in the Gate Register maintained by the hostel when the victim was taken to the hospital on 29th May, 2015. Hence, the complaint is lodged.

3. The learned counsel for the applicant/accused has submitted the applicant is innocent. She is ready to abide by the terms and conditions imposed by this Court if pre arrest bail is granted.

4. The learned prosecutor opposed the application on the ground that the applicant/accused is involved in similar types of other two offences and though she was discharged and acquitted in earlier cases, she was suspended five times from the service. In the present case, she is suspended. So also sections under offence punishable under Prevention of Corruption Act are also invoked in the present crime.

5. Perused the first information report and the police papers produced herewith. The offence punishable under Section 468 of Indian Penal Code is the only non bailable offence. However, considering the nature of offence and the statements of witnesses, I am of the view that custodial interrogation of a lady-applicant is not required. Hence, the pre arrest bail is granted to the applicant on the following terms and conditions:

- a) In the event of arrest, the applicant/accused be enlarged on bail upon furnishing P. R. Bond in the sum of Rs. 30,000/- with one or two solvent sureties in the like amount;
- b) The applicant shall not tamper with the evidence;
- c) The applicant shall cooperate with the Investigating

Officer and shall attend Hill Line police station, Ulhasnagar on every Monday between 11.00 am to 1.00 pm. till filing of the charge-sheet.

(MRS.MRIDULA BHATKAR, J.)