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

CRIMINAL BAIL APPLICATION NO. 520 OF 2016

Jyoti Ravi Adagale

...Applicant

Versus

State of Maharashtra

...Respondent

Mr.A.G.Waghole, for the Applicant

Mr.D.P.Adsule, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 7th APRIL, 2016

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks her enlargement on bail in connection with C.R. No. 119 of 2015, registered with the Mundhwa Police Station, Pune, for the alleged offences punishable under Sections 363, 366A, 344, 372, 373, 376, r/w 34 of the Indian Penal Code and under Sections 4, 8, 12 and 16 of Protection of Children from Sexual Offences Act.

3. According to the prosecutrix, six months prior to the incident she was residing with her parents at Wadgaonsheri and since the applicant and her husband belonged to the same caste and were living close by, the families developed a close relationship. She has stated that as her father did not had money to pay her school fees, the co-accused – Ravi Adagale (husband of the applicant) gave a sum of Rs.10,000/- to her father, pursuant to which, her father gave a blank cheque to Ravi Adangale. She has stated that as her father was unable to pay the said amount, Ravi would come at all odd hours and threaten them. She has stated that thereafter her father paid a sum of Rs.8,000/- to Ravi, however for the balance amount, of Rs.2,000/- Ravi started harassing them. She has further stated that as a result of the threats given by co-accused – Ravi, the complainant and her family members were constrained to leave the area and move to Mundhwa, Pune. She has stated that on 2 or 3 occasions she quarreled with her parents and had left home and gone to reside with her grandparents, however she had returned back. She has stated that on 20th July, 2015, the present applicant called on her mobile and told her that she would get her a job, pursuant to which, she went to the house of the applicant. She has

further stated that the applicant and co-accused – Ravi confined her in their house and took her to various lodges, and compelled her to have physical relations with one Sharad, who was sent by the applicant and co-accused - Ravi. According to the prosecutrix, the present applicant and her husband would take money from the customers.

4. Learned Counsel for the applicant submits that the applicant has been in custody since her arrest i.e. from August, 2015. He submits that investigation is complete and charge-sheet is filed. According to him, the applicant has a small child, aged 3 years and there is no one to look after the said child. He submitted that the main accused is co-accused – Ravi and that the applicant has been implicated only because she is the wife of said Ravi.

5. Learned APP opposed the bail application. He submitted that the applicant along with her husband had induced the complainant to come to their house by offering her a job and thereafter confined her in the house and had then taken her to various lodges where she was compelled to have physical relations with several persons.

6. Perused the papers. It appears that investigation is complete and charge-sheet is filed. No doubt, there are serious allegations against the applicant, however keeping in mind the proviso to Section 437 of the Code of Criminal Procedure, the applicant is enlarged on bail on the following terms and conditions:

ORDER

- (i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on the 1st and 3rd Saturday of every month between 10:00 a.m. to 11:00 a.m., for a period of 12 months from her release and thereafter on the 1st Saturday of every month, between 10:00 a.m. to 11:00 a.m, till the conclusion of the trial;
- (iii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The applicant shall inform her latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant to cooperate with the conduct of the trial;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear, that the co-accused shall not claim parity with the applicant. It is also made clear, that the observations made herein are

prima facie, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.