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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1358 OF 2016

Paravtibai Mallappa Koli	 Applicant
V/s.	
The State of Maharashtra	 Respondent

Mr. Jaydeep Mane, for the Applicant.
Mr. Deepak Thakare, APP for the Respondent State.

CORAM : A. M. BADAR, J.

DATE : 9th AUGUST, 2016.

P.C. :

1. The applicant/accused, in crime No.229 of 2016, for the offences punishable under Sections 376(2)(j), 376(2) (n), 506 read with 34 of the Indian Penal Code and under Section 3(A) and 4 of the Protection of Child from Sexual Offences Act, registered with police station Jodbhavi, Solapur, by this application under Section 438 of the Code of Criminal Procedure, is praying for pre-arrest bail.
2. Heard the learned counsel for the applicant and the learned APP.
3. The learned APP opposed the application by contending that the offence is serious.

4. Perused papers of investigation. Perused the F.I.R. lodged by Mrs. Geeta, the mother of the victim girl. According to the informant co-accused Shivanand had committed rape on her minor child. So far as the present applicant is concerned, she is the mother of Shivanand. According to prosecution case, after coming know about the alleged incident of rape on minor child, the relatives of the minor child met the present applicant, at that time, the present applicant threatened him. Apart from this, no allegations are attributed to the present applicant. In this view of the matter, as there is no prima facie evidence for the other offences against the present applicant. At the most she can be liable for offence punishable under Section 506 of the Indian Penal Code.

5. In this view of the matter, custodial interrogation of the present applicant is not warranted. Hence the order.

Order

- I) The application is allowed.
- II) In the event of arrest of the applicant, in above crime, she be released on bail on her executing P.R. Bond in the sum of Rs.5,000/- and on her furnishing surety in the like amount.
- III) 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.
- IV) The applicant shall attend the concerned police station

on 20.08.2016 in between 11.00 a.m. to 1.00 p.m., and shall co-operate the Investigating officer.

V) The applicant shall not tamper with the prosecution evidence in any manner.

[A. M. BADAR, J.]