

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1396 OF 2016

Manisha @ Masa Ratan Chaknani
V/s.

.....Applicant

The State of Maharashtra

.....Respondents

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Mr. Manoj Badgujar, Advocate for the applicant.

Ms. R.M. Gadhvi, APP for the respondent, State.

Ms. Sushil Upadhyay, Advocate for respondent no.2.

CORAM :- N.W. SAMBRE, J.

DATED :- 21st NOVEMBER, 2016.

P.C. :-

1). The applicant is seeking pre-arrest bail in Crime No. I-97 of 2016 registered for the offences punishable under Sections 376 read with Section 34 Indian Penal Code and under Sections 3, 4, 5, 12, 13 of Protection of Children from Sexual Offences Act, 2012 and under Sections 66(E) and 67 of Information Technology Act.

2). The incident in question took place sometime between November, 2015 to 9th April, 2016. The present applicants niece, Ekta aged about 16 years was provoked to establish physical relation with one, Vijay Joshi who has taken out nude video clips and circulated the same which was done at the behest of the applicant.

It is also the case of the prosecution that, accused Vijay had sexual intercourse with the victim, Ekta. Applicant appears to have supported the main accused in the commission of crime.

3). It is the case of the prosecution that the applicant, Manisha and the mother of the victim, Ekta namely Nisha are the real sisters. There are differences between these two sisters and so as to take revenge, applicant Manisha provoked accused, Vijay to have relationship with the daughter of Nisha, namely Ekta resulting into registration of the crime in question. The statement of the victim recorded under Section 164 Criminal Procedure Code coupled with the statement of the co-accused, Vijay speaks of the prima-facie involvement of the applicant in the crime in question. The co-accused, Vijay has given a statement naming the present applicant as the conspirator and abator of the crime in question and which is not required to be relied upon for the purpose of deciding bail. However, it appears that, based on the said statement, the Investigation Officer had rightly carried out the investigation, there appears to be prima-facie involvement of the applicant in the crime in question.

4). The material on record depicts the applicant abetting and instigating the main accused, Vijay. In view thereof, no case is made out. The Bail Application is rejected.

(N.W. SAMBRE, J)