

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

Criminal Application No. 01406 of 2017

District : Beed

Shayara @ Noorjaanu Sardar Pathan,
Age : 58 years,
Occupation : Labour,
R/o. Saidapur, Taluka Karad,
District Satara.

.. Applicant.

versus

The State of Maharashtra,
Through Police Station,
Ambajogai (City),
District Beed.

.. Non-applicant.

.....

Mr. Vivek V. Bhavthankar, Advocate, for the applicant.

*Mr. R.V. Dasalkar, Addl. Public Prosecutor, for
the non-applicant.*

.....

CORAM : T.V. NALAWADE, J.

DATE : 06TH APRIL 2017

ORAL ORDER :

By the present application, the applicant
- accused is seeking her release on bail in
connection with Crime No. 477/2016 registered
with Police Station, Ambajogai (City), District
Beed, for offences punishable under Sections
376(2), 363, 366, 392 of the Indian Penal Code
and Sections 6 and 8 of the Protection of

Children From Sexual Offences Act.

02. Both the sides are heard. Perused the papers of investigation which are made available by the learned Addl. Public Prosecutor for perusal.

03. The crime was registered on the basis of report given by father of the prosecutrix. At the relevant time, the prosecutrix was 17 years of age. She used to attend the classes and college at Ambajogai by going in auto-rickshaw. One Shaikh Feroj was plying the auto-rickshaw. On 23.11.2016, Shaikh Feroj called her at a place and from there he took the prosecutrix to Parli where there is house of present applicant. From there, he took the prosecutrix to Karad where there is other house of the present applicant. Allegations are made that in that house, present applicant took away the ornaments of the prosecutrix and due to her efforts, Shaikh Feroj established physical contact with her. From Karad, the prosecutrix and Shaikh Feroj shifted at Shendgi, Taluka Bijapur (Karnataka) and there, they stayed in a tin shed away from the village. On 07.02.2017, when they were living at Shendgi, father of the prosecutrix, along with relatives, accompanied by Police personnel arrived at

Shendgi, where the prosecutrix and Shaikh Feroj were living and from there, they were brought to Ambajogai. Thus, the prosecutrix was accompanying said Shaikh Feroj during the period from 23.11.2016 to 07.02.2017.

04. The papers of investigation show that there is only statement of the prosecutrix as against the present applicant and the material will be of substantial nature. The applicant is a lady and she is behind the bars since 12.02.2017. As the charge-sheet is filed, it is not desirable to keep the applicant behind the bars till conclusion of the trial.

05. In the result, the Application is allowed.

The applicant - accused, in the above crime, is directed to be released on bail on her executing P.B. & S.B. of Rs. 15,000/- [Rupees fifteen thousand], on the following conditions :-

(i) The applicant shall not contact any of the prosecution witnesses and she shall not tamper with the prosecution evidence in any manner whatsoever.

(ii) The applicant shall not indulge in commission of similar offences in future.

(iii) The applicant shall furnish her address of residence and contact number to the concerned Police Station before her release on bail.

(iv) The applicant shall attend the trial, if any, against her, on the dates fixed by the trial Court.

(T.V. Nalawade)
JUDGE

.....