

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1237 OF 2017

Smt.Sangeeta Kalyanrao Pawar

Applicant

versus

The State of Maharashtra

Respondent

Mr.Sujit Shelar i/by Ganesh Rangayya for Applicant.

Mr.Ajay Patil, APP, for State.

CORAM : PRAKASH D. NAIK, JJ.

DATE : 18th July 2017

PC :

1. This is an application for anticipatory bail in connection with LAC No.77 of 2017 registered with Trombay Police Station, Mumbai for offence under Section 75 of Child Justice (Child Care Protection) Act,2015.

2. It is the case of prosecution that Applicant is functioning as Matron of Childrens Home at Mankhurd. It is alleged that the Applicant had assaulted one child who had vomited and also directed the other children to lick the same. On the complaint of the Superintendent of Childrens Home, a first information report was registered. The Applicant had preferred an application for anticipatory bail before the Sessions Court. The Applicant was granted interim protection. During pendency of the said application, by way of interim order, the Applicant was directed to attend the Police Station and also directed that the concerned head of the protective home, shall not give any work to the Applicant concerning the well being, safety and health of the children. It was also directed

that the Applicant shall not tamper with the evidence of prosecution. The application was, however, subsequently rejected by order dated 14th July 2017. While rejecting the application, the Sessions Court has observed that the Applicant is not made herself available for investigation and that apprehension was expressed by the investigating officer that the Applicant may pressurize the witnesses in case anticipatory bail is granted to the Applicant. The Court rejected the application considering the nature of offence and objection raised by the investigating officer.

3. Learned APP submitted that initially the Applicant did not attend the police station, however, subsequently he attended the investigating officer. The Applicant has also placed reliance upon acknowledgements furnished by police station with regards to attendance of the Applicant.

4. Taking into consideration aforesaid circumstances and on certain conditions, the Applicant can be granted anticipatory bail. Custodial interrogation of the Applicant is not necessary. Hence, I pass following order :

ORDER

- (i) Anticipatory Bail Application No.1237 of 2017 is allowed;
- (ii) In the event of arrest of the Applicant in connection with LAC No.77 of 2017 registered with Trombay Police Station, Mumbai, the Applicant be released on bail on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The concerned head of the Protective Home for Children is directed that the Applicant shall not be given any work concerning

well being, safety and health of the children till further orders;

(iv) The Applicant shall attend the investigating officer of Trombay Police Station as and when called for;

(v) The Applicant shall not tamper with evidence;

(vi) The application is disposed off.

(PRAKASH D. NAIK, J.)

MST