

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 586 OF 2018
Surekha Ramesh Basher vs. State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Sandeep Mishra for the Applicant.

Mr. S.S. Hulke, APP for the Respondent-State.

CORAM : A.S. GADKARI, J.

DATE : 24th July, 2018

P.C.

1. This is an application under Section 439 of the Cr.P.C. for bail in CR No.52/2016 dated 15.2.2016 registered with Bhayander Police Station, District Thane under Sections 376(2) (i), 366, 370, 372, 3783, 465 read with 34 of the Indian Penal Code and under Sections 8 and 12 of the Protection of Children from Sexual Offences Act.
2. Heard the learned counsel for the applicant and the learned APP. Perused the charge sheet.
3. The applicant is accused No.4 in the aforesaid crime and the role attributed to her is that at her mediation the marriage of prosecutrix, who was minor on the date of alleged incident, was arranged with accused No.1.

4. The learned counsel for the applicant submitted that, accused Nos. 1 to 3 have played major role in the present crime have been released on bail by the learned Additional Sessions Judge, Thane by its Order dated 7.6.2017. He submitted that the applicant has played lessor role than the said accused in the present crime and therefore, is entitled to be released on bail, on the ground of parity. The learned APP fairly conceded to the said fact.

5. After perusing the entire charge sheet, I find substance in the contentions raised by the learned counsel for the applicant. The role attributed to the present applicant is that of arranging the marriage of prosecutrix who was aged about 16 years at the time of marriage with the original accused No.1. Thus, the role played by the applicant in the present crime is lessor than the role attributed to accused Nos. 1,2 and 3.

6. In view thereof, the applicant is entitled to be released on bail on the ground of parity.

Hence, the following order.

a) The applicant be released on bail in CR No.52/2016 dated 15.2.2016 registered with Bhayander Police Station, District Thane now culminated into Special Case No.172/2017

pending on the file of Additional Sessions Judge, Thane on her furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

b) After her release from Jail, the applicant shall attend the Bhayander Police Station, Thane on every first Monday of the month between 11.00 a.m. to 1.00 p.m.

c) The applicant shall attend all the dates before the Trial Court unless precluded on medical reasons.

d) The applicant shall not tamper with the evidence and or influence the prosecution witnesses.

e) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)