

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.626 OF 2018

Mrs. Dimpal Haresh Jagasiya @

Mrs. Dimpal John Makenzi

..Applicant

vs.

The State of Maharashtra

...Respondent

Mr. Ashok M. Garad for Applicant .

Mr. S. R. Agarkar, APP for Respondent.

Ms. R. T. Shewale, PSI , Yerwada Police Station, Pune.

CORAM : P. N. DESHMUKH, J.

DATE : 11th APRIL, 2018

P.C.:

. This application is filed by applicant for anticipatory bail in C.R. No.134/2018 registered with Yerwada Police Station, District Pune for the offence punishable under sections 376, 354, 354(A), 506 and under section 3 (B), 4, 7, 8, 16, 17 of the Protection of Children from Sexual Offences Act 2012.

2. Heard Mr.Garad, learned counsel for applicant and Mr.Agarkar, learned APP for Respondent-State. It is submitted on behalf of applicant that she is falsely implicated by her husband in the report involving their minor daughter as the relations between applicant and complainant are strained. It is further contended that application be allowed by imposing suitable conditions upon applicant to attend Investigating Agency.

3. Learned APP opposes the application and has contended that there is direct evidence against applicant involving her in the present crime as from the report as well as from the statement of minor girl aged 12 years

8 months applicant is found to have concealed the fact of accused Sachin Kamble sexually assaulting her in the absence of her father who admittedly at the time of incident was out of India at Kuwait. From the statement of prosecutrix it is further established that despite of prosecutrix complaining against accused Sachin Kamble about his inappropriately touching her private parts and threatening not to disclose said fact to her father, applicant accused kept mum by not disclosing it to any authority or to police. It is further found that it is only when prosecutrix along with her brother went to Kuwait to meet their father she informed said fact to him on 23/12/2017 and on 4/1/2018 the father returned back to India and lodged report.

4. Contents of report as well as statement of prosecutrix is further found substantiated by history given by prosecutrix to Doctor wherein prosecutrix has stated that accused Sachin Kamble was touching her inappropriately and was inserting finger in the private part of prosecutrix. Report of Medical officer also reveals vaginal penetration which is stated to be consistent with history of sexual assault given by prosecutrix to Doctor.

5. In that view of the matter applicant's involvement is established in the said crime which is appropriately registered under POCSO Act. In the result, application is liable to be rejected. Application is dismissed.

(P.N. DESHMUKH, J)