

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

BAIL APPLICATION NO. 2575 OF 2018

Smt. Gokulabai Rama Narale

....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. R.V. Bansode a/w. Mr. Ganesh N. Kumkar for the applicant.

Ms. Pallavi N. Dabholkar, APP for the State.

Mr. M.B. Deshmukh, API, Mhaswad Police Station, Satara, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 05th OCTOBER, 2018.

P.C.:

. This is an application under Section 439 of Criminal Procedure Code filed by the aforesaid applicant, who is facing trial in Sessions Case No.13/2018 pending on the file of Additional Sessions Judge, Vaduj. The said case arises from C.R.No.65/2018 registered with Mhaswad Police Station, District Satara for offences punishable under sections 376(2)(I), 201, 176, 212 r/w. 34 of the Indian Penal Code and sections 3, 4 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

2. Heard Mr. R.V. Bansode, learned counsel for the applicant and Ms. Pallavi N. Dabholkar, learned APP for the State. I have perused the

records and considered the submissions advanced by the learned counsels for the respective parties.

3. The aforesaid crime was registered pursuant to the first information report lodged by the father of the victim girl. The first informant had alleged that on 01/06/2018, at about 07:30 p.m., while he was sitting near the gym, he saw a car near the village crematorium. He heard some girls crying and hence, he proceeded towards the said car. He saw his wife Varsha, her cousin-Bajirao, paternal aunt-Gokulabai, the applicant herein in the said car. He has stated that as soon as his wife saw him, she dropped minor daughter, aged 6 and 5, at the spot of the incident and went away with the third minor daughter. He had stated that his six year old daughter was lying on the ground and was in pain, and was bleeding from her private parts. He suspected that the co-accused Bajirao had committed rape on his minor daughter. Hence, he took her to the hospital. He, therefore, lodged the first information report against Bajirao for committing rape on his minor daughter with the help of his wife and the applicant herein.

4. The medical report prima facie indicates that there were no injuries on the genitals of the victim. The medical certificate does not

support the case of the prosecution. It is also to be noted that there is matrimonial dispute between the first informant and his wife, who is also one of the co-accused in this crime. The present FIR appears to be an offshoot of the said matrimonial dispute.

5. The applicant is in custody since 03/06/2018. Charge sheet has already been filed. The presence of the applicant is no longer required in custody for the purpose of interrogation. The applicant is a permanent resident of Paryanti, Taluka Man. There is no possibility of the applicant absconding and/or thwarting the course of justice. Considering the above facts and circumstances, the Bail Application is allowed on following terms and conditions :-

(a) The applicant, who is arrested in C.R.No.65/2018 registered with Mhaswad Police Station, District Satara, is ordered to be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Fifty Thousand) with one or two solvent sureties in the like amount.

(b) The applicant shall furnish his permanent address and temporary address, if any, and his contact details to the concerned Court.

(c) The applicant shall not change his residential address without prior intimation to the concerned Court.

(d) The applicant shall not interfere with the victim or the other witnesses in any manner.

(SMT. ANUJA PRABHUDESSAI, J.)