

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

ANTICIPATORY BAIL APPLICATION NO. 2053 OF 2018

Jaqueline VazApplicant

V/s.

The State of MaharashtraRespondent

Ms. Lakshmi Raman for the applicant.

Mr. S.S. Pednekar, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 05th OCTOBER, 2018.

P.C.:

. This is an application for anticipatory bail under section 438 of Criminal Procedure Code, filed by the aforesaid applicant, apprehending her arrest in C.R.No.335/2018 registered with Wanwadi Police Station, District Pune for offence punishable under section 506 of the Indian Penal Code and under sections 8, 12, 21(1) of the Protection of Children from Sexual Offences Act, 2012.

2. Heard Ms. Lakshmi Raman, learned counsel for the applicant. She submits that the only role attributed to the applicant is that she had failed to report the commission of an offence. She submits that the offence is bailable despite which the learned Additional Sessions Judge,

Pune has declined to grant bail. Mr. S.S. Pednekar, learned APP concedes that the applicant has not played any role in respect of other offences. He also concedes that only allegation against the applicant is that she had failed to report the offence.

3. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

4. The aforesaid crime was registered pursuant to the first information report lodged by the father of the victim. A perusal of the first information report prima facie reveals that the minor son of the first informant had informed him that the principal of the School had shown some obscene clips in his mobile and that when he refused to see the clips, he had threatened to rusticate him and also to ensure that he does not pass his examination. The statement of the victim prima facie reveals that he had informed the applicant herein about the said incident and that the applicant had told him not to report the incident to anyone as the allegations were against the principal and he will rusticate him from the school.

5. From the above, it is clear that the role attributed to the applicant

is failure to report the commission of an offence despite being told about the said incident. The said offence is infact punishable with imprisonment for six months or with fine. The offence is also bailable. The learned Judge was not therefore justified in declining bail to the applicant. The applicant is a permanent resident of Hadapsar, Pune and has roots in the society. There are no chances of the applicant absconding and/or thwarting the course of justice. The applicant has no criminal antecedents.

6. Considering the above facts and circumstances, the applicant is entitled for bail. Hence, Anticipatory Bail Application is allowed on the following terms and conditions :-

(a) In the event of arrest of the applicant in C.R.No.335/2018 registered with Wanwadi Police Station, District Pune, she shall be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two solvent sureties in the like amount, to the satisfaction of the Investigation Officer.

(b) The applicant shall remain present before the Investigation Officer on 09/10/2018 and 10/10/2018 and further as and when

required by the Investigation Officer for the purpose of interrogation/investigation.

(c) The applicant shall furnish her permanent and temporary address, if any, and her contact details to the Investigation Officer.

(d) The applicant shall not change her residential address without prior intimation to the Investigation Officer.

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

(SMT. ANUJA PRABHUDESSAI, J.)