

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 2177 OF 2017

Mrs. Rebecca Valentine Charlesworth .Applicant

Vs.

The State of Maharashtra & anr. .Respondents

Mr. Vineet Sukumaran a/w Mr. A. B. Nikam, Advocate, for the Applicant

Mrs. A. A. Takalkar, APP, for the Respondent Nos. 1 & 2 – State

CORAM : REVATI MOHITE DERE, J.

DATE : 21.03.2018

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C. R. No. I-135 of 2017 registered with the Sanpada Police Station, Navi Mumbai, for the alleged offences punishable under Sections 376, 500, 384, 385 r/w 34 of the Indian Penal Code, under Section 4 of the Protection of Children from Sexual Offences Act (for short 'POCSO') and under Section 67(3) of the Information Technology Act.

3. Learned counsel for the Applicant submits that the

Applicant is a lady and the allegations are essentially as against her son, who is the original accused No. 1. He submitted that the Applicant's son (original accused No. 1) was arrested and the photographs of the victim girl as well as the accused No. 1's mobile have been seized. He submits that the Applicant is alleged to have called the victim's mother and demanded a sum of Rs. 50,000/- to Rs. 60,000/- and is alleged to have threatened that if the said money was not paid, they would upload the obscene photographs of the girl on the social media. He submits that the Applicant does not have any photograph of the victim girl and that what was there was seized by the police during the course of investigation, was from the accused No. 1.

4. Learned APP does not dispute the fact that the photographs and the mobile phone have been seized from the Applicant's son i. e. the original accused No. 1.

5. Perused the papers. It appears that the allegations are essentially as against the Applicant's son, who was arrested & subsequently, enlarged on bail after investigation was complete & charge-sheet was filed. It appears that the police have seized the mobile phone from the accused No. 1 and have sent it to the Forensic Science

Laboratory.

6. Considering the aforesaid and in the peculiar facts & circumstances of the case, the Application is allowed and the Applicant is granted pre-arrest bail on the following terms & conditions :-

ORDER

(i) In the event of arrest, the Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs. 15,000/-** with one or two sureties in the like amount;

(ii) The Applicant shall report to the investigating officer of the concerned police station **as & when called for** by the investigating officer;

(iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, victim girl, witnesses or any person concerned with the case.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)