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

CRIMINAL BAIL APPLICATION NO.2424 OF 2019

Poonamdevi Dindayal Dube

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.Salman Khan, for the Applicant.

Ms.Veera Shinde, A.P.P for the Respondent - State.

PSI – M.U.Karwar, Narpoli Police Station, is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 26th SEPTEMBER, 2019

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.308 of 2019 registered with the Narpoli Police Station, Thane, for the alleged offences punishable under Sections 376(2)(i) of the Indian Penal Code and under Sections 3, 4 and 21 of the Protection of Children from Sexual Offences Act.
3. Perused the papers. According to the complainant the

incident took place on 17th May, 2019 at about 12.30 p.m. in the afternoon, when she had gone to the house of her sister-in-law (applicant). It is alleged by the complainant that the applicant's son, aged 16 years took her minor daughter, aged 5 years on the terrace and had physical relations with her. The complainant has stated that when her daughter, aged 5 years returned, she disclosed the said incident to her, pursuant to which, she informed the applicant about the conduct/act of the applicant's son. It is alleged by the prosecution, that the applicant took the survivor to the bathroom and gave her bath. This is the only allegation as against the applicant. Pursuant thereto, a complaint was lodged as stated aforesaid and the applicant along with her son was arrested. The applicant is in custody since May, 2019. Investigation is complete and charge-sheet is filed.

4. Considering the role of the applicant, the application is allowed on the following terms & conditions :-

O R D E R

- i) The Applicant be released on cash bail in the sum of Rs. 15,000/-, for a period of six weeks;
- ii) The Applicant shall within the said period of six weeks, furnish P. R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;

iii) The Applicant shall not tamper with the evidence or attempt to influence/contact the survivor, complainant, witnesses or any person concerned with the case;

iv) The Applicant shall co-operate in the conduct of the trial and shall attend the trial Court on every date of hearing, unless exempted by the trial Court.

5. The Application is allowed and disposed of in above terms.

6. It is made clear, that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

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

REVATI MOHITE DERE, J.