

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Criminal Application (ABA) No. 332 of 2019

Nishad Begum

Vs.

State of Maharashtra Through P.S. Akot Fail Dist. Akola

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Mohd. Saud Afsar, Advocate for applicant
Mr. V.P. Maldhure, APP for non-applicant.

CORAM : MANISH PITALE, J.

DATED : JULY 29, 2019

The applicant herein has approached this Court apprehending arrest in connection with FIR dated 07/03/2019, registered against her and her brother for alleged offences under Sections 363, 366 and 376 of the Indian Penal Code along with the provisions of the Protection of Children from Sexual Offences Act, 2012.

2. As noted in order dated 11/06/2019, whereby ad-interim protection was granted to the applicant, the role attributed to her is that the co-accused i.e. her brother allegedly took the victim with him and came to the house of the applicant, where the alleged act took place leading to registration of FIR.

3. Considering the said role attributed to the

applicant, this Court while issuing notice granted ad-interim protection to the applicant in the following manner.

“Hence, in the event the applicant is arrested in Crime No. 120 of 2019, she shall be released on bail on furnishing P.R. bond of Rs.25,000/- (Rs. Twenty Five Thousand) and a surety of like amount on the further conditions that she shall make herself available to the Investigating Officer as and when required and shall cooperate with the investigation. It is further directed that the applicant shall not tamper with the evidence and influence the witnesses.”

4. The learned APP has handed over reply, which is taken on record. The present application is opposed on the ground that the allegation made against the applicant shows that Section 17 of the Protection of Children from the Sexual Offences Act, 2012, could certainly be invoked as the material demonstrated that the applicant was guilty of abetment in the present case. This aspect of the matter can certainly be looked into by the Trial Court when the trial commences. But, for the present, since there are no criminal antecedents of the applicant and there is no complaint that she has not abided by the directions given by this Court while granting ad-interim protection, this Court is of the opinion that this application deserves to be allowed.

5. Accordingly, the present application is allowed and the applicant is granted anticipatory bail

by confirming ad-interim protection granted by order dated 11/06/2019, on the condition that applicant shall co-operate with the investigation. The learned counsel for the applicant informs this Court that now the chargesheet is filed and the trial would be commenced. Hence, the applicant shall attend the Trial Court on each and every date of the proceedings.

6. With these observations, the present application is allowed.

JUDGE