

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.1279 OF 2020

Sau. Meenabai Bhika Rajput,
Age : 30 years, Occ. Household,
r/o. Railway Colony, Nandurbar ..Applicant

Vs.

The State of Maharashtra ..Respondent

Mr.G.R.Syed, Advocate for applicant
Mrs.P.V.Diggikar, APP for respondent

**CORAM : R.G. AVACHAT, J.
(Vacation Court)
DATE : NOVEMBER 10, 2020**

PER COURT :-

This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.997 of 2020 registered with City Police Station, Nandurbar, for the offences punishable under Sections 376(2)(i), 328, 506 read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012.

2. The First Information Report (FIR) has been lodged by a fifteen years old victim girl. It is alleged in the FIR that the informant's sister namely, Sakshi, was emotionally involved with one Hitesh Gaikwad (co-accused). The informant's sister had eloped with him on 05.09.2019 and after some days, came to Nandurbar and started residing with him at his house near Bazar Samiti. The victim girl also started residing with her sister in the house of Hitesh. In November, 2019, Chhayabai (co-accused), mother of Hitesh, took the informant to the house of the applicant for peeling potatoes. It was about 08:00 p.m. A person by name, Balu was present in the house of the applicant. He had brought one cold-drink bottle. The informant consumed some cold-drink at the behest of the applicant. The informant thereby felt giddiness. She was, however, conscious. Thereafter, Balu took the informant to the kitchen room, removed clothes on her person and committed rape of her.

3. Learned APP would submit that the offence is very much serious. The applicant does not deserve grant of bail.

4. The FIR has been lodged eleven months after the alleged incident. The applicant is a thirty years old woman, who has been behind the bars since 29.09.2020. It is informed that a two years old child of the applicant is required to be kept with the applicant in jail. What is the fault of the child! Child cannot be separated from the mother. Nor can it be kept in jail.

5. In view of the above, I am inclined to grant bail to the applicant. Hence, the following order:-

(i) The application is allowed.

(ii) The applicant be released on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount in connection

with Crime No.997 of 2020 registered with City Police Station, Nandurbar, for the offences punishable under Sections 376(2) (i), 328, 506 read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012.

(iii) The applicant shall not tamper with the prosecution evidence in any manner.

6. The Jail Superintendent shall release the applicant forthwith. The applicant is permitted to furnish bail papers within a period of four days of her release from jail.

7. Learned Registrar (Judicial) is requested to do the needful to ensure that the applicant is released forthwith.

[R.G. AVACHAT, J.]