

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

BAIL APPLICATION NO. 1039 OF 2020

Mrs. Meena Ratan SinghApplicant

V/s.

The State of MaharashtraRespondent

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Mr. Ashok Bhatia, Advocate for the applicant.

Mr. Y.Y. Dabke, APP for State.

CORAM : SANDEEP K. SHINDE, J.

Tuesday, 1st December, 2020.

P.C . . :

1. Heard learned Counsel for the applicant and learned APP for State.

2. A 60 year old, grandmother of the victim has been arraigned as an accused in Crime No. I-184/2019 registered with Mira Road Police Station for the offences punishable under Sections 376, 363,

370(A), 370(4), 465, 468, 471 of the Indian Penal Code, Sections 3, 4, 7 and 8 of the Protection of Children from Sexual Offences Act ("POCSO Act" for short), 2012 and Sections 9 and 10 of the Prohibition of Child Marriage Act, 2006. Applicant came to be arrested on 3.03.2020. Investigation is over and chargesheet has been filed. I have perused it.

3. Ms. Priya Ratan Singh, aunt of victim filed a complaint alleging that the victim was kidnapped by a unknown person. As such, offence under Section 363 came to be registered. It is unfolded in the investigation that the victim voluntarily accompanied, one Mukesh Kanojia and performed marriage with him at Ujjain. Later, Mukesh Kanojia, had filed, a Writ Petition (habeas Corpus) in

the High Court seeking direction to police to produce the victim before this Court. Accordingly, victim was produced on 4.12.2019. Thereafter, her statement was recorded on 9.1.2020 which suggest and sounds that, her grandmother (applicant) and parents were not approving her relations with Mukesh Kanojia. However, in supplementary statement recorded on 2.03.2020, victim disclosed to police that Mukesh Kanojia had transferred some amount in the account of the applicant. While answering the question, she told police that, her parents and applicant had pushed her in the flesh market to live on her earnings.

4. Thus, the allegations against the applicant and parents of the victim were made for the first time on 2.03.2020. However, prosecution, in the course of

investigation, could not place any material on record to corroborate these allegations. Even otherwise, the victim has sworn an Affidavit on 22.10.2020 and stated that, neither her parents nor the applicant induced her to do any illegal act and/or immoral act.

5. Be that as it may, prima-facie, I do not see any evidence coming forth as against the applicant showing or suggesting her complicity therein. Even otherwise, the investigation is over, and applicant is 50 year old lady with no criminal background. In consideration of the facts of the case, the applicant is admitted to bail.

6. The applicant arrested in Crime No. I-184/2019 registered with Mira Road Police Station, she shall be released on

bail on executing PR bond for the sum of Rs.20,000/- (Rs.Twenty Thousand only) with one or more sureties in the like sum.

7. The applicant shall report to the Investigating Officer as and when called and co-operate in the investigation.

8. The applicant shall furnish particulars of her permanent residential address and contact details to the Investigating Officer within seven days from her release from jail.

9. The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

10. The application is accordingly allowed and disposed of.

11. It is made clear that observations made hereinabove be construed as expression of opinion only for the purpose of granting bail and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)

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