

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

**INTERIM APPLICATION NO.1424 OF 2020
IN
BAIL APPLICATION NO.2769 OF 2018**

Rajkanya Anil Verma	.. Applicant
Vs.	
State of Maharashtra	.. Respondent

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Shamina H. i/b. Mr.Vasant S. Bansode, Advocate for the Applicant.

Ms.A.A. Takalkar, APP for Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : DECEMBER 21, 2020.

P.C.:

This is an application for modification of order dated 8th March, 2019, passed by this Court in Criminal Bail Application No.2769 of 2018. Applicant was directed to be released on bail in connection with C.R.No.52 of 2016, registered with Bhayander Police Station, for the offences punishable under Sections 376(2) (d), 370 and 366 read with Section 34 of Indian Penal Code ("IPC", for short) and under Sections 4, 8 and 12 of Protection of Children from Sexual Offences Act, 2012 ("POCSO Act, for short).

**RajeP.
Aher**

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2 The contention of the applicant is that inspite of bail being granted to her vide order dated 8th March, 2019, she could not furnish surety of Rs.25,000/- since she is not in position to arrange such surety. The applicant is in custody from 8th March, 2018. It is submitted that the applicant be directed to be released on cash bail. Limited role was attributed to the applicant in the offence.

3 Learned APP submitted that the whereabouts of the applicant are required to be checked after she avail the bail hence that the applicant may not be released on cash bail.

4 It is noted that the applicant is in custody from 18th March, 2018. Although bail was granted to her on 8th March, 2019, she is in custody. She is resident of Akola, Maharashtra. The order dated 8th March, 2019, indicate the role attributed to her. It is observed that the applicant was the person who introduced the complainant at railway station and the statement of victim do not attribute any overt-act to the applicant.

5 Applicant is lady. In spite of grant of bail she has remained in custody. She is in jail for a period of about one year

nine months. Hence, the order dated 8th March, 2019, can be modified as under:

:: ORDER ::

- (i) Interim Application No.1424 of 2020, is allowed;
- (ii) The order dated 8th March, 2019, is modified and relaxed to the extent that the applicant is directed to be released on bail in connection with C.R.No.52 of 2016, registered with Bhayander Police Station on executing P.R. bond in the sum of Rs.15,000/-, with one or more sureties in the like amount;
- (iii) Applicant is permitted to furnish cash bail security in the sum of Rs.15,000/-, for a period of twelve weeks, in lieu of surety;
- (iv) Applicant is at liberty to furnish surety from State of Maharashtra;
- (v) Interim Application No.1424 of 2020, stands disposed of accordingly.

(PRAKASH D. NAIK, J.)