

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

CRIMINAL BAIL APPLICATION NO. 126 OF 2021

Reshma Wasim Khan

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Satish B. Patil, Advocate for the Applicant.

Mr. S. S. Pednekar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 4th MARCH, 2021.

PC :

1. This is an application for bail in connection with C.R. No. I- 361 of 2019, registered with Manpada Police Station, Dombivali, for the offences punishable under Section 376, 342 r/w. 34 of Indian Penal Code, 1860 (IPC) and Sections 3, 4, 6, 8 and 12 of POCSO Act. Statement of complainant is recorded on 26th May, 2019. The FIR was lodged on 27th May, 2019.

2. The victim girl is aged about 14 years. She has alleged that she was in relationship with Hasan. The applicant was acquainted with the mother of victim and she used to visit their house. On 27th May, 2019 the applicant had called the victim girl and she accompanied her to the house of Umesh. On 27th May, 2019 the victim girl called the applicant. Thereafter, both of them went to the

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house of Umesh. They had dinner together. The applicant, Wasim and Umesh left the said premises. The victim slept alone in the house of Umesh. Whole day victim continue to stay in that house. On 24th May, 2019 at about 1.30 a.m. Umesh and Wasim visited the house. They were chatting for sometime. The victim then went to the bedroom. Umesh brought some contraceptive. Accused Wasim had threatened the victim and subjected her to sexual assault. The complaint was lodged on 25th May, 2019.

3. On perusal of the FIR, it is apparent that the applicant and victim had visited the house of Umesh on 22nd May, 2019. Thereafter, victim continued to stay in the said premises. The applicant had not played any role in the incident of sexual assault. There is nothing on record to infer that the applicant was instrumental in subjecting the victim to sexual assault at the instance of co-accused. Although the incident had occurred on 24th May, 2019 the complaint was lodged on 26th May, 2019.

4. The applicant is a lady, she has not been attributed any overtact. The applicant left the premises, the place of incident in the night of 22nd May, 2019. The incident had occurred thereafter. The applicant is in custody from 26th June, 2019. There are no criminal antecedents against her. Hence, case for grant of bail is made out.

ORDER

- i) Bail Application No. of is allowed;
- ii) The applicant is directed to be released on bail in connection with C.R. No. I- 361 of 2019, registered with Manpada Police Station, on furnishing P.R. bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or more sureties in the like amount;
- iii) The applicant shall report concerned police station once in a month on every first Saturday between 11.00 am. to 1.00 pm.till further order.
- iv) The applicant is permitted to furnish provisional Cash Bail in the sum of Rs.25,000/- for a period of eight weeks in lieu of surety;
- v) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)