

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.151 OF 2021

Smt. Sarojdevi Guljarilal Singh Applicant

Vs.

The State of Maharashtra Respondent

Mr. Ashok M. Bhatia for Applicant
Smt. P.P. Shinde, A.P.P., for State-Respondent

Coram : NITIN W. SAMBRE, J.

Date : 30th JUNE, 2021

P.C.:

1. Heard Mr. Bhatia, learned counsel appearing for the Applicant and Smt. Shinde, learned APP appearing for the Respondent-State.

2. On 22nd July, 2016, the Applicant came to be arrested in Crime No. I-157 of 2016, registered with Mira Road Police Station, for the offences punishable under Sections 372, 373, 376 read with 34 of

Indian Penal Code and Sections 4, 5, 6 and 8 of PITA Act read with Sections 4 and 8 of POCSO Act.

3. This Court, vide order dated 19th August, 2020 passed in Criminal Bail Application No. LD/VC/BA/350 of 2020 was pleased to dismiss the application as withdrawn.

4. Mr. Bhatia, learned counsel appearing for the Applicant-accused would urge that the Applicant-accused has almost completed his detention for a period of five years. According to him, the trial is not likely to be concluded in a recent future. He would then claimed that in the present pandemic situation, considering the advance age of the Applicant-accused, there is every likelihood that the Applicant - accused will be exposed to life threatening risk and that being so, the Court should order her release.

5. Smt. Shinde, learned APP would oppose the prayer on the ground that the Court has already rejected the prayer on earlier occasion.

6. The fact remains that the maximum punishment as prescribed under the Sections of the Indian Penal Code and other Act, under which the Applicant is charged that provides for punishment of 10 years. The Applicant shall be completing 5 years of her detention in the crime and the fact remains that the trial against the Applicant – accused is not likely to be concluded in a recent future in view of present pandemic situation.

7. Considering the advance age of the Applicant- accused i.e. above 70 years, she having already in detention for a period of 5 years and having regard to the provisions of Section 436-A of the Code of Criminal Procedure, a case for grant of bail is made out. Hence the following order :

ORDER

- (I) The application stands allowed.
- (II) The Applicant be enlarged on bail in Crime No. I-157 of 2016, registered with Mira Road Police Station, on furnishing P.R. bond

in the sum of Rs.25,000/- with one or more local sureties in the like amount;

(III) The Applicant shall not tamper with the evidence or attempt to influence/contact the complainant, witnesses or any person concerned with the case;

(IV) If there are 2 consecutive absence of the Applicant during trial, the prosecution will be at liberty to apply for cancellation of Applicant's bail.

(NITIN W. SAMBRE, J.)