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ZAINAB BRAHMADEV UPADHYAYApplicant.
V/s
THE STATE OF MAHARASHTRARespondent

CORAM: NITIN W. SAMBRE, J.

P.C.:-

1] Applicant is seeking regular bail in C.R. No.194 of 2019 registered with Vanrai Police Station for the offence punishable under Sections 328, 376, 506 read with Section 34 of the Indian Penal Code and under Section 67(A) of the Information and Technology Act, 2000.

2] Applicant has been chargesheeted. Material available on record against the Applicant is on par with co-accused Brahmadev Upadhyay who is already ordered to be released on bail vide order dated 8th April, 2021 in Bail Application No.506 of 2020. Fact remains that there are no specific attributions of sexual assault against the Applicant. Her husband who is a co-accused is already ordered to be released on bail by the aforesaid order.

3] Apart from above, there appears to be an inordinate delay of almost more than three years for lodging FIR. That being so, case for bail is made out.

4] In the result following order is passed:-

ORDER

(i) Criminal Application No.2658 of 2021 is allowed.

(ii) The Applicant is directed to be released on bail in C.R. No.194 of 2019 registered with Vanrai Police Station, Mumbai on executing P.R. Bond in the sum of Rs 25,000/- with one or more sureties in the like amount.

(iii) The Applicant shall report to the concerned Police Station once in three months on first Saturday of the month between 11:00 a.m. to 1:00 p.m. till further order.

(iv) The Applicant shall neither influence the prosecution witnesses nor tamper with the evidence.

(v) The Applicant shall stay out of vicinity of Kokani Pada, Triveni Nagar, Kurar Village, Malad (East), Mumbai, till conclusion of trial.

(vi) The Applicant shall furnish details of her residence and her contact numbers after she is released on bail to the Investigating Officer.

(vii) The applicant shall not try to contact the complainant directly or indirectly.

(viii) Application stands disposed of.

(NITIN W. SAMBRE, J.)