

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO. 242/2021

Preeti w/o Ram Thorat

-VERSUS-

State of Maharashtra.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri A. M. Tirukh, Advocate for applicant.
Mrs. S. S. Jachak, APP for non-applicant/State

CORAM : VINAY JOSHI, J.

DATE : 07.04. 2021.

Hearing was conducted through Video
Conferencing.

2. The applicant – Lady is seeking regular bail in Crime No. 90/2021 registered at Police Station, Khadan, Dist. Akola for the offences punishable under Sections 364-A, 120-B, 170, 384, 385, 323, 504, 506 of the Indian Penal Code. Besides usual grounds, she claimed bail by submitting that there is no sufficient material to show her complicity. Moreover, it is submitted that the investigation is complete and charge-sheet has been filed. Applicant – Lady is having a small child and therefore, she prayed for bail. The State resisted bail by filing reply – affidavit.

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3. It is contended that applicant along with four other co-accused hatched conspiracy and accordingly lured informant for sexual pleasure and duped him for huge amount.

4. It is prosecution case in nutshell that the informant aged 61 years of age received WhatsApp message on his phone on 11.02.2021. He responded the message by making phone call, on which lady from other end called him at specific place. Thereafter, he followed the lady who took him to a flat. At said place, three other male co-accused beat informant, stripped him, took his obscene photos and extorted money by putting him under threat.

5. Though alleged incident took place on 11.02.2021, FIR has been lodged belatedly on 18.02.2021. The Police have already arrested all accused against whom report has been lodged. The extorted amount and some jewelry have been seized. Learned counsel appearing for applicant submitted that the provision of Section 364-A of the Indian Penal Code would not attract, which finds substance. The other offences are punishable for imprisonment upto three years only.

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6. The investigation is complete and trial will take its own time for disposal. Applicant is lady having a small child. Merely because test identification parade is to be conducted on that basis her liberty cannot be curtailed. Having regard to the above facts, applicant is entitled for bail. Hence following order:-

(I) Application is allowed.

(II) Applicant – Preeti w/o Ram Thorat be released on bail on her furnishing P.R. Bond of Rs. 25,000/- with one or two sureties in the like amount.

(III) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

(IV) Applicant shall fully cooperate for conducting prior test identification parade.

(V) Applicant shall provide her residential address and cell number to concerned Investigating Officer and shall not change her place of residence without prior intimation to the concerned Investigating Officer.

JUDGE