

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.365 OF 2021

Sau. Manorama w/o Anand Dhawale

..vs..

State of Maharashtra, thr. P.S.O.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri C.R. Thakur, Advocate for Applicant.
Shri I.J. Damle, A.P.P. for Non-applicant/State.

CORAM : VINAY JOSHI, J.
DATED : 02/07/2021

Hearing was conducted through Video Conferencing.

2. The applicant lady came to be arrested by Imamwada Police Station, District Nagpur in Crime No.413 of 2020 for the offence punishable under Sections 363, 370, 370(1) read with 34 of the Indian Penal Code and under Sections 75 and 80 of the Juvenile Justice (Care and Protection of Children) Act, 2015. Besides other grounds, the applicant has mainly claimed bail on the ground of parity by pointing towards the release of co-accused namely Puja Patle by the Sessions Court vide its order dated 23.06.2021. The State resisted bail by filing reply-affidavit and contending about seriousness of the offence.

3. A perusal of the First Information Report indicates that three co-accused were initially caught red handed while trafficking a minor girl. During inquiry, names of three other ladies were unrevealed who were namely Puja Patle (released by the Sessions Court), Laxmi and Applicant Manorama Dhawale. With the assistance of both sides, bail order of Puja Patle was gone into, which appears to be well reasoned. Learned A.P.P. is unable to point out any distinguishing features so as to deny the rule of parity. The offences are not punishable with death or imprisonment for life. Investigation is complete and charge-sheet has been filed. The applicant lady is in jail since long. In view of that, the applicant is entitle for bail, hence, the following order :

- (a) The Criminal Application is allowed and disposed of.
- (b) The Applicant/accused Sau. Manorama w/o Anand Dhawale be released on bail in connection with Crime No.413 of 2020 registered at Imamwada Police Station, District Nagpur for the offence punishable under Sections 363, 370, 370(1) read with 34 of the Indian Penal Code and under Sections 75 and 80 of the Juvenile Justice (Care and Protection of Children) Act, 2015, on her furnishing P.R. bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

- (c) The applicant/accused 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.
- (d) The Applicant/accused shall provide her residential address and cell number to the concerned Police.
- (f) The applicant shall not indulge into a similar kind of activities in future.
- (e) Breach of either of condition would give rise to the prosecution to move this Court for cancellation of bail.

JUDGE

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