

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1778 OF 2021

Sunanda M. Powar ...Applicant
V/s.
The State of Maharashtra and anr. ...Respondents.

Mr. Sumant Deshpande for the Applicant.
Mr. A.R. Kapadnis, APP for the Respondent/ State.
Mr. Niranjana Bhavake for Respondent No.2.

CORAM : N.R. BORKAR, J.
DATE : 21.11.2022.

P.C. :

1. This is an application under Section 439 of Code of Criminal Procedure for bail.
2. The applicant came to be arrested in C.R. No. 582 of 2020 registered at Shahupuri police station, Kolhapur for the offences punishable under Sections 377, 504, 506 read with 34 of the Indian Penal Code and under Sections 4,6,8 and 12 of the Protection of Children from Sexual Offence Act, 2012 (POCSO Act).
3. I have heard the learned counsel for the applicant, the learned APP for the respondent – State and the learned counsel for the respondent No.2 /complainant and perused the statement of victim child.
4. The applicant is a woman aged about 36 years. According to the prosecution, the applicant and her daughter used to call the victim child at their house and they used to touch and kiss his private part.

5. *Prima facie*, the case appears to be of sexual assault punishable under Section 8 of the POCSO Act for which maximum punishment is five years. The applicant is in jail for more than two years. Considering the facts and circumstances, I am inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

- A] Bail Application is allowed.
- B] The applicant be released on bail in C.R. No. 582 of 2020 registered at Shahupuri police station, Kolhapur for the offences punishable under Sections 377, 504, 506 read with 34 of the IPC and under Sections 4,6,8 and 12 of the POCSO Act on furnishing P.R Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.
- C] The applicant shall not enter into Kolhapur city except for the purposes of attending the dates before the Trial Court and shall seek permission of the Trial Court if she is required to stay at Kolhapur city.
- D] The applicant shall provide residential address where she is going to reside after her release and her mobile number or mobile number of her relative to the concerned Investigating Officer.
- E] The applicant shall not tamper with the prosecution evidence.

[N.R.BORKAR, J.]