

November 9, 2022.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 989 OF 2022**

Aruna Vishwas Phasge

....Applicant

V/s.

State of Maharashtra

....Respondent

Mr. Aniket Vagal a/w. Mr. Kunal Pednekar and Mr. Divesh Mehani, Advocate for the applicant.

Mr. A.A. Palkar, APP for State.

PSI, Mr. P.R. Gample, from Yawat Police Station, Pune present.

CORAM : SANDEEP K. SHINDE, J.

WEDNESDAY, 9TH NOVEMBER, 2022.

P.C. :

1. Heard learned Counsel for the parties.
2. Applicant seeks her enlargement on bail in connection with Crime No. 795/2016 registered with Yawat Police Station, Pune, for the offences punishable under Section 376 read with Section 34 of the Indian Penal Code.

November 9, 2022.

3. It is prosecution's case that, complainant daughter, who is unable to communicate consent, due to mental illness, was subjected to sexual assault by co-accused, namely, Chandrakant Gopal Bhosale. Its' further case is that, applicant abated and/or facilitated co-accused to commit the sexual assault on complainant's daughter. The Chemical Analyser's Report, reveals that, co-accused Chandrakant Bhosale and victim, are biological parents of fetus of victim. Yet, prima-facie, there is no evidence suggesting that the co-accused committed the sexual assault on the victim, in consequence of abatement and/or at the instigation of the applicant. In any case, the applicant is in custody since 12th November, 2016. The investigation in the case is over and the chargesheet has been filed. The applicant being a woman and permanent resident of Taluka-Daund, her presence for the trial can be secured by imposing suitable conditions. For these reasons, the application is allowed and the following order is passed :

ORDER

(i) In the event of arrest of the applicant in Crime No. Crime No. 795/2016 registered with Yawat Police Station, Pune, she be released on bail on executing P.R. Bond in the sum of Rs. 25,000/- (Rs. Twenty Five Thousand only) with one or more local sureties in the like amount;

November 9, 2022.

(ii) Applicant shall report to the Investigating Officer as and when called.

(iii) Applicant shall furnish her residential address, as well as, permanent address and contact details to the Investigating Officer within a week.

(iv) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

4. The application is disposed of in the aforesaid terms.

(SANDEEP K. SHINDE, J.)

**NEETA
SHAILESH
SAWANT**

Digitally signed by
NEETA SHAILESH
SAWANT

Date: 2022.11.10
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