

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

34 BAIL APPLICATION NO.2140 OF 2022

MALANBAI SHAMRAO PHULARE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Patwardhan Rohit P.
APP for Respondents: Mr. S. P. Deshmukh
Advocate for respondent No.2 : Mr. Rajendra Chavan

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**CORAM : S.G. MEHARE, J.
DATE : JANUARY 23,2023**

PER COURT :

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel appointed for the respondent no.2/victim.
2. The incident initially happened in the year 2018. After 15 days of the incident, the victim girl was traced out. Since then, she is in custody of her parents. The parents of the victim used to go for the work on kiln. The offence was registered in the year 2018, however, the mother of the main accused has been arrested on 11.11.2022.
3. The application was strongly opposed on the ground that since 2018, the applicant was missing from her house and hence she could not be arrested. Therefore, there is possibility of her fleeing away

from justice. The prosecution has no material to show what attempts the police had made to find her or at least to show that she was not living in the village. So, the story that the applicant was absconding falls under the shadow of the doubt. The investigation appears to have been completed against her. Only for want of her absconding son, she can not be kept behind bar. Therefore, following order :-

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant Malanbai Shamrao Phulare, be released on bail on executing PB and S.B of Rs. 50,000/- (Rupees fifty thousand) with one solvent surety in the like amount in Crime No. 403/2018 of registered at Tophkhana Police Station Ahmednagar for the offence punishable under Sections 363,376 Indian penal Code and under Section 4 and 8 of Protection of Children From Sexual Offences Act, 2012 on the conditions that :-
 - (a) The applicant shall attend the concerned police station on every Saturday between 10.00 a.m. and 12.00 p.m till filing the charge sheet.

(S. G. MEHARE)
JUDGE