

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 569 OF 2023

Komal Devidas Kamble

.... Applicant

v/s.

The State of Maharashtra and anr.

.... Respondents

Mr. A.B. Tajane i/b. Ms. Kavita Shinde for the Applicant.

Mr. S.V. Gavand, APP for the State.

Mr. Ajit Alange, advocate appointed for Respondent No.2.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 01st AUGUST, 2023.

P. C. :-

. The Applicant apprehends her arrest in C.R.No.576/2022 registered with Jodbhavi Peth, Solapur City for offences punishable under sections 323, 363, 366, 376, 376(2)(n) of the Indian Penal Code, sections 4, 6, 8, 10, 12, 17 and 21 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

2. Heard learned counsel for the Applicant, learned APP for the State and learned counsel for Respondent No.2. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by the mother of the victim. The facts narrated in the FIR prima facie reveal that on 10/04/2022, the victim who is a girl child of about 16 years and 08 months, had left the house on the pretext of seeing her grandmother. The first informant claims that on 08/10/2022, the victim returned home and told her that the co-accused – Abhishek had induced her to leave the house under the pretext of marriage. They lived in the house of his paternal uncle for 03 to 04 days and thereafter they resided in the house of the Applicant herein, the maternal aunt of the co-accused for a period of six months. The first informant claims that her daughter was pregnant and that thereafter, the co-accused – Abhishek refused to marry her. On the basis of the aforesaid allegations, crime came to be registered for the offences as stated above.

4. The statement of the victim prima facie reveals that the co-accused had induced her to leave the house under the pretext of marriage. He got married to her and had sexual relationship with her. She claims that the co-accused would abuse and assault her and demand money.

5. The allegations are essentially against the co-accused. Considering the role attributed to the Applicant, this Court (Coram : M.S. Karnik, J.) by order dated 24/02/2023, had granted interim protection to the Applicant. Learned APP states that the Applicant has reported to the Investigating Officer and that she has been interrogated.

6. Considering the above facts and circumstances and particularly the role attributed to the Applicant, this is not a case to justify custodial interrogation. Hence, the interim bail granted vide order dated 24/02/2023, stands confirmed. The Applicant shall report to the concerned Investigating Officer as and when called for.

7. Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)