

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

BAIL APPLICATION NO. 61 OF 2023

Pushpa Paltan Prajapati

...Applicant

vs.

The State of Maharashtra and Anr.

...Respondents

Mr.Aniket Vagal a/w Mr.Kunal Pednekar i/b. Q.A.Walvatkar –
Advocates for Applicant.

Mr.H.J.Dedhia – APP for Respondent No.1-State.

Mr.Akkshay H. Kumar–Advocate for Respondent No.2–Complainant.

CORAM : S. M. MODAK, J.

DATED : 27TH JUNE 2023

P. C. :

1. Heard learned Advocate for the Applicant and learned APP
2. This is an Application for bail filed by the Accused No.3. She is the wife of Accused No.1 – Paltan and relative of Accused No.2 – Shravan. Whereas, Accused No.4 – Balakram who is granted bail is the person with whom, the victim has eloped. The victim was residing with Accused Nos. 1 and 3 as her mother has expired. Accused No.1 – Paltan is her uncle. Whereas, father of the victim by name Punnavasi Motilal Prajapati has remarried.

3. The First-Informant was ravished by Accused Nos. 1 and 2 and

Satish Sangar

the allegation against the present Applicant Accused No.3 is that she has not responded when the victim has sought for the necessary help. In fact, she threatened her. The contention is raised that this FIR is filed after so many years and particularly when she came in contact with Accused No.4. There is an affidavit filed by the father of the victim. He has said that the victim informed to her under what circumstances, she has filed the FIR. FIR further mentions that the Accused No.4 - Balakram promised her to marry and that is why, forced the daughter to lodge complaint against these Applicants.

4. Bail is opposed by learned APP for the reason that Court has to consider the circumstances under which circumstances the offence took place. The victim was residing with her uncle and merely because there is a delay, it cannot be weighed in favour of the Applicant. Even it is submitted that the father has no authority to file this affidavit and invited my attention to order passed by the Chairman of Child Welfare Committee on 26th November, 2021 thereby handing over the custody of the present victim and two others with the father. It is contended that instead of protecting the interest of the victim, the father has filed an affidavit thereby causing her prejudice.

5. After hearing both the sides, I am not inclined to grant bail. Learned Advocate Shri.Vagal seeks liberty to withdraw this Application with liberty to move it again once the evidence of the victim is recorded.
6. Application is disposed of as withdrawn. Applicant is at liberty to move again once the evidence of the victim is over.
7. The Court seized of the matter to make an endeavour to frame a charge as early as possible and to record the evidence of the victim as early as possible.

[S. M. MODAK, J.]