

registered at police station, Bhiwandi City, Thane on 11th June 2019, under Section 376, 354 read with 34 of IPC and under Sections 4, 8, 10, 12 and 17 of the POCSO Act.

3. Even though it is true that the father of victim has consented for granting bail to the Applicant, who is the mother of victim, the Court has not paid heed to such affidavit. The paramount consideration of accused was to protect interest of the victim, particularly when her parents are not taking care of their own daughter. That's why this Court has not paid heed to letter alleged to be written by the victim to the Court of Additional Sessions Judge at Exhibit-17. Even report was called, from the concerned Judge about this letter as per order dated 11th July 2023. Uptill now there is no report annexed to this file.

4. Today, it is submitted that victim has deposed before the Court and she has not supported the prosecution case in its entirety. Its copy is placed on record.

5. Learned APP submitted that still the matter is pending before the Special Court and the trial Judge may be influenced, if this Court will pass certain observations.

6. Be that it may, we cannot deny the fact that the victim has not

supported the prosecution case. There is only allegation of assisting main accused in committing offence under the POCSO Act. So, no purpose will be served by denying her bail because certainly it will take sometime to examine other witnesses. The above said observations are made considering involvement of the present Applicant only. So, let the Applicant be released on bail.

Hence the Order:-

ORDER

- (i) Bail application is allowed.
- (ii) Applicant–Neelimadevi Ramanand Thakur arrested in connection with C.R. No.324 of 2019, registered with Bhiwandi City police station for the offence punishable under Sections 376, 354 read with 34 of IPC and under Sections 4, 8, 10, 12 and 17 of the POCSO Act, be released on bail on furnishing Personal bond and surety bond in sum of Rs. 25,000/-.
- (iii) Applicant is directed to give attend the trial Court punctually.
- (iv) Applicant shall not threaten the prosecution witnesses.
- (v) Applicant is directed to give surety who is having residence within Thane taluka.
- (vi) Needless to say, violating of the condition above will

make the Applicants liable for cancellation of bail after notice.

7. Let the trial Court to decide case on its own merits, by considering evidence adduced on behalf of the prosecution. The trial Court may not be influenced by the observations of this Court.

8. Application is disposed of in the aforesaid terms.

9. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]