

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

CRIMINAL BAIL APPLICATION NO. 461 OF 2022

Sumandevi Ramurai Rajbhar	...Applicant
Versus	
State Of Maharashtra And Anr	...Respondents

Adv. S. S. Sawalkar a/w Ms. Sunanda Shinde, Ms. Pallavi Jadhav, Ms. Shabiha Sayed and Ms. Smita Ausaukar for the Applicant.
Ms. P. N. Dabholkar, APP, for the Respondent Nos.1 & 2-State.
Ms. Vrushali L. Maindad a/w Ms. Shrushti S. Tupe and Ms. Mahinoor B. Khan for the Respondent No.3.

CORAM : SHIVKUMAR DIGE, J.

DATE : 28th AUGUST 2023.

P.C. :

1. By this application, applicant is seeking bail in C. R. No.901 of 2021 registered with Mulund Police Station under Sections 376(N) (2), (1), 107, 506, 420 r/w 34 of the Indian Penal Code (for short "IPC") and Sections 4, 6, 17 & 21 of the Protection of Children from Sexual Offences Act, 2012 (for short "POCSO" Act).
2. A complaint was lodged by the Smt. Pannadevi mother of

victim stating that accused had sexually assaulted the victim. Due to said sexual assault, victim got pregnant. In the said complaint, it is further alleged that the present applicant, who is sister-in-law of accused BrijeshKumar, when came to know about pregnancy of the victim. She said that she will manage everything and she will take care of delivery of the victim and bear all the medical expenses. The applicant would take victim for medical checkup at Zen Hospital, Mulund-West, Mumbai. While medical examination, applicant told the victim to use her name as 'Suman Ramu Rajbhar' and her age to be of 18 years.

3. It is contention of learned counsel for applicant that there was no role of applicant in the alleged offence, there are no allegations of abetment to the commission of said crime. The allegations against applicant are only that she had threatened the first informant not to lodge police complaint and she asked the victim to tell her age 18 years. Applicant is the sole bread earner of her family. She is behind bar for more than two years. She will abide any condition if imposed, by this Court. Hence requested to allow the application.

4. Learned APP submitted that the allegations against the

applicant are serious in nature. The applicant threatened mother of victim not to lodge complaint, she used to take victim to hospital and there she told the name of victim as 'Suman Ramu Rajbhar'. She also informed the concerned authority to mention the age of the victim as 18 years. As applicant had threatened the victim and her mother, if she is released on bail, she may threaten the victim. Yet trial has not been commenced. Hence, requested to reject the application.

5. Learned APP submitted that the applicant was absconding for some period and, thereafter, she has been arrested, if she released on bail she may abscond again. Learned counsel for the respondent no.2 reiterates the submissions made by the learned APP.

6. I have heard all learned counsel.

7. Admittedly, the allegations against the applicant are that when she came to know about pregnancy of the victim, she said that she will manage everything and she will take care of delivery of the victim and bear all the expenses. She would take victim for medical check-up at Zen Hospital, Mulund-West, Mumbai and there she told victim to use her name as 'Suman Ramu Rajbhar' and her age to be of 18 years. The accused Brijeshkumar used to make phone calls to the applicant and he had told her to bring the victim at their native place.

8. It appears that the victim was not taken to the native place by the applicant. Applicant has not instigated or abetted the accused for commission of crime. Applicant is behind bar for more than two years.

9. In view of above, I pass following order.

ORDER

(i) Applicant – Sumandevi Ramurai Rajbhar be enlarged on bail in Crime No. 901 of 2021 registered with Mulund Police Station, on executing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.

(ii) Applicant shall attend the concerned police station once in a month i.e. on first Saturday between 11:00 a.m. to 2:00 p.m. till framing of charge.

(iii) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.

(iv) Applicant shall not tamper with the evidence or

attempt to influence or contact the complainant,
witness or any person concerned with the case.

10. The application is allowed in the aforesaid terms and is accordingly disposed of.
11. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)