



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

BAIL APPLICATION NO. 899 OF 2023

MONICA PYARELAL RAJ	..APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

Adv. Ashok Bhatia for the Applicant.

Ms. Veera Shinde, APP for the State.

Adv. Narayan Kumar a/w Adv. Ashutosh Gangal for the
Victim.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 17, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Sections 363, 370, 376, 376(n), 366(a), 323, 506(2) read with 34 of the Indian Penal Code and Sections 4, 6, 10 and 17 of the Protection of Children from Sexual Offences Act, 2012, registered on 17/04/2021 vide C.R. No.I-176 of 2021 with Mira Road Police Station.
- 3.** There are in all 7 accused. The applicant is the prime

accused, accused No.2. Briefly stated, it is the case of the prosecution that the victim was residing with her grandmother in Rajasthan. A few months prior to the alleged incident, she was sent to reside with the applicant who is her Aunt. The applicant herself lodged a missing complaint on 17/04/2021 about the victim who was aged about 17 years. The victim is the daughter of the elder sister of the applicant. The statement under Section 161 of the Cr.P.C. of the victim came to be recorded on 05/05/2021, which implicated the applicant and other accused for the offence aforementioned. My attention is invited to the statement of the victim recorded under Section 164 of the Cr.P.C. dated 29/06/2021 where she has given a different version altogether implicating accused Ashok and others. There are no accusations against the applicant in this statement.

4. Learned APP opposed the application.

5. Learned counsel for the victim, on instructions, states that the victim stands by the statement recorded under Section 164 of the Cr.P.C.

6. There are no criminal antecedents reported against the applicant. The investigation is complete and the charge-sheet has been filed. The applicant does not appear to be a flight risk. In the facts and circumstances of the present case, as the applicant was arrested on 04/05/2021 and is in custody for more than 2 years and 5 months without the possibility of trial concluding any time soon, the applicant can be enlarged on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Monica Pyarelal Raj in connection with C.R. No. I-176 of 2021 registered with Mira Road Police Station shall be released on bail on her furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.
- (e) On being released on bail, the applicant shall furnish his contact number and residential address to the

Investigating Officer and shall keep him updated, in case there is any change.

(f) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

7. The application is disposed of.

(M. S. KARNIK, J.)