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

BAIL APPLICATION NO. 1486 OF 2022

Zeisha Shahil Grewal Nancy
@ Jayesha Sahil Grover
VS.

..Applicant

1. The State of Maharashtra
2. Ms. X

..Respondents

Mr. Sudeep Pasbola a/w Mr. Rahul Arote & Ms. Tanvi Mahadik, for the Applicant.

Ms. A. A. Takalkar, APP for the State.

Ms. Priyanka B. Chavan, for Respondent No. 2.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 22, 2023

P.C. :

1. Heard learned counsel for the applicant, learned APP and learned counsel for respondent no.2.

2. This is an application for bail in respect of C.R.No. 387 of 2021 dated 07/12/2021 registered with Versova Police Station for the offence punishable under sections 326, 354-B, 504 of the Indian Penal Code, 1860, and sections 75, 79 of the Juvenile Justice (Care & Protection of Children) Act, 2015 and section 12 of the Protection of Children from

Sexual Offences Act, 2012 (hereafter "POCSO Act", for short).

3. The FIR was registered on 07/12/2021. The victim at the relevant time was 17 years of age and was working with the applicant as a maid servant. It is alleged that the victim was assaulted by the applicant as she was not doing the regular household work properly. Further, in the CCTV camera, the incident is recorded. The accusations are serious and reveals the inhuman manner in which the victim was treated by the applicant. The accusations reveals that the applicant has been merciless. Learned APP and learned counsel for the victim opposed the application for bail. Suffice it to observe that the applicant is herself a woman who is in custody for almost 1 year and 2 months.

4. Since the investigation is complete and the charge-sheet has been filed, further detention of the application will only be by way of a pretrial punishment. The applicant will face the consequences of the trial. The statement of the child witness needs to be recorded in terms of section 35 of the POCSO at the earliest. The trial Court is requested to

record the evidence of the victim/child witness within a period of 1 month from the date when this order is placed for its consideration. Till the evidence of the child witness is recorded, it needs to be ensured that the applicant does not reside in Mumbai/Mumbai suburban district, except for reporting to investigating officer and attending the trial. Hence, the following order.

ORDER

- (a) The application is allowed.
- (b) The applicant –Zeisha Shahil Grewal Nancy @ Jayesha Sahil Grover in connection with C.R. No.387 of 2021 registered with Versova Police Station shall be released on bail on her furnishing P.R. bond in the sum of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant shall not make any attempt to contact the victim.
- (d) Till the time the evidence of child witness is recorded, the applicant shall not stay in Mumbai/Mumbai suburban district. The applicant may re-enter after the evidence is recorded.
- (e) The applicant shall not directly or indirectly

make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant should not tamper with evidence.

(f) On being released on bail, the applicant shall furnish his contact number and residential address to the investigating officer of the concerned Police Station and shall keep him updated, if there is any change.

(g) The applicant shall report to the investigating officer once in a month on the first Saturday of the month till trial is over.

(h) If any attempt is made by the applicant to contact or threaten the complainant or the victim, the same will be viewed very seriously.

5. The application is disposed of.

6. I appreciate the assistance rendered by Ms. Priyanka Chavan, the learned Advocate, who appeared on behalf of the victim.

(M. S. KARNIK, J.)