



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

BAIL APPLICATION NO. 1104 OF 2023

LAXMI SHAILESH RATHOD .. APPLICANT
VS.
THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Mr. Shailesh S. Kharat, for the Applicant.
Mr. P. H. Gaikwad, APP for the State.
Mr. Ashish Raghuvanshi, for Respondent No.2.
The complainant is present.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 11, 2023

P.C. :

- 1.** Heard learned counsel for the applicant, learned counsel for respondent no.2 and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under sections 363, 376, 376(2)(i)(j)(n) of the Indian Penal Code registered vide C.R. No. I-143 of 2022 dated 24/04/2022 with Vanwadi Police Station. The applicant is arrested on 14/05/2022. The applicant is the accused no. 2.
- 3.** The victim at the relevant time was 15 years of age. The

victim's mother is the real sister of the applicant. It is the case of the prosecution that the applicant was insisting that the victim should go along with the boy 'Charlie' who is closely related to the applicant, and who will take good care of the victim. Accordingly, the victim went and resided with 'Charlie' for a few days. It is alleged by the victim that the accused no.1 had forcible sexual intercourse with her. Post the incident, after 4-5 days, the victim called up her mother and informed that she does not want to stay with the accused no.1 and that she wants to come back home.

4. Learned APP submitted that the accusations against the applicant are serious and that she abetted the commission of offence while introducing the victim with the accused no.1 and thereby persuading her to go along with the accused no.1.

5. The complainant and victim are present. They have been identified by the investigating officer. It is submitted by learned counsel appearing on behalf of the complainant that the complainant and the victim have no objection if the applicant is enlarged on bail and that the complaint is registered because of some misunderstanding.

6. In the facts and circumstances of the present case, considering

the nature of accusations against the applicant who is a woman and is in custody from 14/05/2022 i.e. for more than 1 year and 4 months, the applicant can be enlarged on bail. There are no criminal antecedents reported against the applicant. The investigation is complete. Charge-sheet is filed. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Laxmi Shailesh Rathod in connection with C.R. No. I-143 of 2022 registered with Vanwadi Police Station shall be released on bail on her furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 15,000/- for a period of 4 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

her contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.

- 7.** Learned counsel for the respondent no.2 to file vakalatnama within 1 week from today.
- 8.** The application is disposed of.

(M. S. KARNIK, J.)