

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1253 OF 2023

Surekha Shivanand @ Shivappa Aurad ...Applicant

vs.

State of Maharashtra & Anr. ...Respondents

AND

ANTICIPATORY BAIL APPLICATION NO.1254 OF 2023

Basavraj @ Basappa Mahantappa Aurad And Ors. ...Applicants

vs.

The State of Maharashtra & Anr. ...Respondents

....

Mr. Ritesh Thobde, a/w. Mr. Changdev S. Shingade, for the Applicants.

Mrs. A.A. Takalkar, APP, for the Respondent State.

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CORAM : ANUJA PRABHUDESSAI, J.

DATE : 27 APRIL 2023

P.C. :

The Applicants herein seek pre-arrest bail in Crime No.50 of 2023 registered at Akkalkot South Police Station, Solapur (Rural), for the offences punishable under Sections 376, 376(2)(n), 376(3), 452, 506, r/w 34 of IPC and under Sections 4,8, 12 of POCSO Act.

2. Heard learned Counsel for the Applicant and learned APP for the State. I have perused the records and considered the submissions

advanced by learned Counsel for the respective parties.

3. The FIR lodged by the Prosecutrix prima facie reveals that she was in love with the co-accused, who is the nephew of these Applicants. The Prosecutrix and the co-accused had sexual relationship with each other. She was minor at the relevant time. Subsequently, on attaining age of majority, she got married with some other person from Karnataka. The First Informant stated that after her marriage, when she returned to her paternal home, the co-accused had once again established relationship with her. She claims that they stayed together for about eight days. The Applicants herein had induced the Prosecutrix to leave her husband and to marry their nephew, the co-accused in the crime. The material on record prima facie indicates that the Prosecutrix had consensual relationship with the co-accused even after she had attained the age of majority. The nature of accusations against these Applicants do not prima facie justify custodial interrogation.

4. Hence, the applications are allowed on the following terms and conditions:

- (i) In the event of arrest of the Applicants in C.R. No.50 of 2023 registered at Akkalkot South Police Station, Solapur (Rural), the Applicants shall be released on bail on furnishing PR bonds in the sum of Rs.20,000/- each with one or two sureties to the like

amount;

- (ii) The Applicants are directed to report to the Investigating Officer for two days on 1st and 2nd May 2023 between 11.00 a.m. to 2.00 p.m. and as and when required by the Investigating Officer and co-operate with the investigation;
 - (iii) The Applicants shall not tamper with the prosecution evidence and or influence the witnesses in any manner;
 - (iv) The Applicants shall keep the Investigating Officer informed of their current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.
5. The applications stand disposed of.

(ANUJA PRABHUDESSAI, J.)