

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3136 OF 2021

Rupali Rupesh Ghole

...Applicant

V/s.

The State of Maharashtra

... Respondent

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SANTOSH
KAMBLE

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Mr.Sushrut Jadhwar, for the Applicant.

Ms.Anamika Malhotra, APP for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 29th AUGUST 2023

P.C:-

. By this Application, the Applicant is seeking bail in CR No.I-523 of 2020 registered with Kolsewadi Police Station, Thane, in offence under Sections 376, 354 and 506 read with Section 34 of the Indian Penal Code (for short 'IPC'), Section 4,8, 12 and 17 of Protection of Children From Sexual Offences Act, 2012 ('POCSO' for short) and Section 13 of Juvenile Justice Act.

2. The prosecution case is that, the Complainant was residing with her aunty. Thereafter, when she had gone to her mothers house in the month of April 2021, she was accosted by accused No.1 Pawashe, who was her mother's friend. He made to sit the Complainant on the kitchen floor and made to remove her T-Shirt. He pressed her chest. When the Complainant resisted the same, Pawashe threatened the Complainant. When Complainant narrated this incident to her mother i.e. present Applicant. The Applicant threatened her not to tell said incident to any one, and further told that if she wants to stay in house she has to endure this. Thereafter the complaint narrated said incident to her aunt. Thereafter complaint was lodged against Shri.Pawashe.

3. It is contention of learned counsel for the Applicant that, allegations against Applicant are that, she threatened the Complainant. There was no role of the Applicant in the said crime. Neither she was present when alleged incident was happened nor she instigated for commission of the said act. The

Applicant is in jail since more than two years. Investigation has been completed and charge-sheet has been filed. Hence, requested to allow the Application.

4. It is contention of learned APP that, Applicant's husband was in jail and Applicant was staying with other person. Initially she was staying with one person. Thereafter, she was staying with accused Pawashe. The Applicant is the mother of victim. After the alleged incident instead of lodging complaint, the Applicant threatened the Complainant. It shows her involvement in the crime. If Applicant is released on bail she may threaten the Complainant and it would affect on the trial. Hence, requested to dismiss the Application.

5. The learned counsel for Respondent No.2 reiterate's the submissions of learned APP.

6. I have heard all learned counsel.

7. The allegation's against the Applicant are that, after the incident, when Complainant told her about incident, she threatened her and told that if she wants to reside in house she has to endure all these acts. It appears from record that, Applicant has neither instigated nor abetted for commission of crime. She is behind bar more than two years.

8. In view of above I pass following order.

ORDER

(i) Application is allowed.

(ii) The Applicant shall be released on bail in CR No.I-523 of 2018 registered with Kolsewadi Police Station, Thane, on furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

(ii) The Applicant shall not enter Thane District wherein victim stays till the completion of evidence of victim, except attending the Court dates of present case.

(iii) After her release from jail the Applicant shall attend the Kolsewadi Police Station, Thane, once in a month i.e. on every 1st Monday of the month between 11.00 a.m. to 3.00 p.m. till the framing of charge.

(vi) The Applicant shall not influence the prosecution witnesses.

(SHIVKUMAR DIGE, J.)