

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3536 OF 2022

Pratibha Bhaskar Singh

... Applicant

V/s.

State of Maharashtra

... Respondent

.....
Mr. S.A.Shaikh i/b. Mr. R. K. Singh, Advocate for Applicant.
Ms. P. N. Dabholkar, APP for Respondent-State.
Mr. Hrishikesh R. Chavan, Advocate for Respondent No.2.
PSI- Tembulkar, Boisar Police Station, Palghar present.
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CORAM : SHIVKUMAR DIGE, J.

DATE : 30th AUGUST 2023

P. C:-

1. By this Application, Applicant is seeking bail in Crime No. I-209 of 2022 registered with Boisar Police Station, Palghar for the offences punishable under Sections 376(1)(a), 376(3), 376(2)(f), 354(a) of Indian Penal Code (for short "IPC") and under Sections 4, 6, 8, 10, 12, 17 of the Protection of Children from Sexual Offences Act, 2012 (for short "POCSO Act").
2. It is the prosecution's case that father of the victim has committed sexual assault with the victim and when Applicant was

committing the said sexual assault, Applicant stood there as a mute spectator. Thereafter, again father of victim committed sexual assault on her. When victim told about sexual assault done by her father to Applicant, at that time, Applicant told her that if she want to get something from her father she has to bear it and the Applicant has not taken any steps against the said act.

3. It is the contention of learned Counsel for the Applicant that there are no allegations against Applicant for instigation or abetment of the act committed by accused No.1. The allegations against the Applicant are that, she acted as a mute spectator when the said offence was committed.

4. Learned Counsel further submitted that, Applicant is behind bar more than 14 months. investigation is completed and chargesheet has been filed under Section 164 of Cr.P.C. statement, victim has stated that she had made complaint against the accused i.e. her father out of anger and no such act was committed. Hence, requested to allow the Application.

5. Learned APP submitted that, though Applicant is a mother of victim she has not taken any preventive steps. She saw the incident, then also, she did not prevent accused No.1 from committing the said

act. It shows her involvement. Hence, requested to reject the Application.

6. Learned Counsel for Respondent No.2 submitted on instructions from the victim who is about 19 years old and present in Court that she has no grievance against the Applicant, she has no objection if bail is granted to the Applicant.

7. I have heard learned Counsel of all parties.

8. Perused the FIR and chargesheet. The allegations against the Applicant are that, when victim's father was sexually assaulting to her at that time, Applicant stood as a mute spectator. When the victim told about the other incident of sexual assault on her by her father to the Applicant, Applicant did not take any steps. The statement under Section 164 of Cr.P.C. of Applicant shows that victim had made allegations against accused No.1 and Applicant out of anger. Victim is presently 19 years old and she is present before the Court and through her Counsel she submitted that she has no objection if bail is granted to Applicant.

9. In view of above, I pass following order :

ORDER

(i) Applicant be enlarged on bail in Crime No. I-209 of

2022 dated 07.06.2022 registered with Boisar Police Station, Palghar, on executing P.R.Bond in the sum of Rs.15,000/- each with one or two solvent sureties in the like amount.

- (ii) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

10. The Application is allowed in the aforesaid terms and is accordingly disposed of.

11. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)

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