



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 643 OF 2023

(REKHA BHIMRAO INGALE AND ANOTHER VS. STATE OF MAHARASHTRA AND ANOTHER)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. A. M. Kadukar, APP for respondent State.
Ms. Chaitali Bhute, Advocate (appointed) for respondent
No.2.

CORAM : M. W. CHANDWANI, J.

DATE : 13/09/2023

The applicant seeks bail in Crime No.88/2023, registered with Police Station, Shirajgaon, District – Amravati, for the offence punishable under Sections 376(d), 376(2)(f), 506 read with Section 34 of the Indian Penal Code, 1860 (IPC) and Section 4 of the Protection of Children from Sexual Offences Act, 2012 (POCSO).

2. Heard learned counsel for the applicant, as well as learned APP for respondent State.

3. The charge-sheet is filed. Perusal of the charge-sheet transpires that both the applicants are engaged in selling illegal country liquor. The victim is related to the applicant No.2. She is cousin aunt of the victim, whereas applicant No.1 is mother-in-law of applicant No.2. The applicant No.2 had taken the

victim girl to her house. Victim stayed there. On the day of Holi festival, both the applicants consumed liquor and also gave liquor to the victim to consume the same. Thereafter, other accused Anil Devidas Ingle and Vicky Kshirsagar Mohod came there, they also consumed liquor. The applicants locked the door from outside and went away. The accused Anil and Vicky, committed penetrative sexual assault on the victim girl. When the victim girl was brought back by her sister, the victim informed the incident to her. Therefore, on the report lodged by the victim girl, the aforesaid offences came to be registered against the applicant and other co-accused.

4. Perusal of the statement of the victim goes to show that the other co-accused, namely, Anil and Vicky were also related to the applicants. The allegations against the applicants that they went away by closing the door leaving the victim girl with other co-accused Anil and Vicky, who committed penetrative sexual assault on the victim girl. Whether the applicants shared the common intention in alleged crime of penetrative sexual assault is a matter of trial. Both the applicants are ladies and they are behind the bars since last six months. The investigation is completed. Considering all these factors, a case is made out for exercising the

jurisdiction for granting bail in favour of the applicant.

(a) Application is allowed.

(b) The applicants/accused, namely, **Rekha Bhimrao Ingale** and **Padma Sanjay Ingale**, in Crime No.88/2023, registered with Police Station, Shirajgaon, District – Amravati, for the offence punishable under Sections 376(d), 376(2)(f), 506 read with Section 34 of the Indian Penal Code, 1860 (IPC) and Section 4 of the Protection of Children from Sexual Offences Act, 2012 (POCSO), shall be released on bail on furnishing PR. Bond in the sum of 25,000/- (Rupees Twenty Five Thousand only) each with one solvent surety in the like amount.

(c) The applicants shall not contact the victim in any manner till the conclusion of trial and shall not tamper the prosecution evidence or induce, threaten or pressurize any witnesses, who are connected with the crime.

5. The Secretary, High Court Legal Aid Services Sub-Committee, Nagpur to quantify and pay the professional fees of the appointed counsel, as per rules.

6. Accordingly, application is disposed of.

[M. W. CHANDWANI J.]