



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 742 OF 2024

Bharati W/o Kishor More

VERSUS

The State Of Maharashtra And Others

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Mr. M. S. Tipali h/f Mr. S. S. Shaikh, Advocate for
Applicant

Mr. B. A. Shinde, APP for Respondent Nos. 1 and 2

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CORAM : R.M. JOSHI, J

DATE : JULY 25, 2024

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 103/2024 registered with Ashti Police Station, Dist. Beed for the offences punishable under Sections 363, 376, 376(2), (f),(i),(j),(n) and 376 (3) and Sections 4, 6 and 17 of the Protection of Children from Sexual Offences Act.

2. The first information report is lodged by the father of minor victim girl. According to him, his daughter was kidnapped by co-accused. On the basis of this, offence came to be registered. During the investigation, it was revealed that minor girl was subjected to forcible physical relation and hence,

offence under Section 376 of the Indian Penal Code came to be added. Present Applicant is lady who is said to have abetted the commission of crime.

3. Learned Counsel for the Applicant submits that Applicant has no concern with the co-accused and it is only at the request of mother of the co-accused, she has helped co-accused to secure the place for his residence. It is his submission that no way she can be said to be abettor to the crime for the offence under Section 376 IPC.

4. Learned APP opposed the grant of anticipatory bail citing the seriousness of crime.

5. Perusal of the statement of victim girl indicates that she eloped with the co-accused. Both came to the Chhatrapati Sambhajnagar. They started residing at Shivajinagar. It is her further statement that when Applicant came to the said place, co-accused has informed to the girl that Applicant has made arrangements for the room. She paid some money to the co-accused and also brought food for them. Even if this

statement is accepted to be correct, it cannot be said that the Applicant has abetted the act of commission of offence under Section 376 IPC. Applicant is lady with no criminal history behind her.

6. In view of above, application is allowed by confirming interim order dated 15.05.2024.

(R. M. JOSHI, J.)

Malani