



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

901 BAIL APPLICATION NO. 1608 OF 2024

Radha W/o Ganesh Varude
@ Radha W/o Ganesh WarudkarApplicant

VERSUS

The State of Maharashtra & anotherRespondents

.....
Mr. C. C. Deshpande, Advocate for Applicant.
Mrs. V. S. Choudhari, APP for the State.
Ms. P. P. Shinde, Advocate for the victim.

CORAM : S. G. MEHARE, J.
DATE : 24th SEPTEMBER, 2024.

PER COURT :

1. Heard learned counsel for the Applicant, learned APP for the State and learned counsel for the victim appearing today.
2. The Applicant seeks bail in Crime No. 0291/2024 registered with Police Station Chikalthana, Aurangabad, for the offences punishable under Sections 376, 376(2)(n), 114 of the Indian Penal Code, Sections 4, 8, 12, 16 and 17 of the Protection of Children from Sexual Offences Act and under Section 66-E of the Information and Technology Act.

3. The victim, the daughter of the Applicant, had lodged report in the police station on 06.06.2024 alleging against her that she was sending her forcefully for massage work with the co-accused. However, he was massaging her by applying strip on her eyes and doing sex. This was going on for about 4 to 5 years. When she was refusing to go with him, the Applicant was forcefully sending her with co-accused. On these allegations, the Applicant has arraigned the accused in the crime.

4. Learned counsel for the Applicant would submit that the statement under Section 164 of Code of Criminal Procedure would clarify the situation. No prima facie case is made out against the Applicant. She is the care taker of the victim. Probably she might have disturbed mentally while lodging the report. He would submit that nothing is to be recovered from her. Charge-sheet has been filed. Hence, she may be granted bail.

5. Learned APP has strongly opposed the Application. She would submit that the offence is serious. There is possibility of tampering with the prosecution witnesses because the Applicant is the mother of the victim and she is under her control. She prays

that prima facie evidence is available against the Applicant and hence she should not be granted bail.

6. Learned counsel for the victim argued that out of anger she levelled incorrect allegations against her mother. She never forced her to go with the co-accused. The Applicant and the victim being from low income group of the society, have to make money. Every family member has to earn for livelihood. If bail is granted, she has no objection.

7. The facts as discussed above, reveal that the Applicant was asking her daughter to go for job. There were no complaints for a long period. No weapon is used against her. There are no criminal antecedents to the discredit of the Applicant. Hence, in the circumstances, bail may be granted on certain conditions. Hence, the following order :-

ORDER

(i) Application is allowed.

(ii) Applicant Radha Ganesh Varude @ Radha Ganesh Warudkar be released on furnishig P.B. and S.B. of Rs. 50,000/- (Rs. Fifty Thousand only) with one solvent

surety of like amount, in connection with Crime No. 0291/2024 for the above offences, on the following conditions :

(a) She should not tamper with the prosecution witnesses.

(b) She should not reside with the victim till the trial is concluded.

(c) She should attend the trial on each and every date.

(S. G. MEHARE)
Judge

dyb