



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 1797 OF 2023

MRS. CHANDRAKALA SAKHARAM JETHE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
Mr. Shrikant Shirsath, Advocate h/f Mr. Adesh M. Watane, Advocate
for Applicant
Mr. S.B. Jadhav, APP for Respondent – State
Ms. Pratibha H. Suryawanshi, Advocate for Victim
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 22nd JANUARY, 2024

PER COURT :

1. Applicants apprehend arrest in Crime No.632/2023, registered with Ambad Police Station, Jalna, for offence punishable under Sections 376-A, 376-C, 506 r/w 34 of the Indian Penal Code and Sections 4, 7, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.
2. Victim, minor aged 12 years, has lodged FIR alleging that in the month of January, 2023, when she had gone for labour work in the field of applicants, accused No.1, husband of applicant No.1, father of applicant No.2 raped her. Due to said rape, she conceived and delivered a child. It is alleged in FIR that applicants threatened her not to lodge FIR in respect of incident of rape.
3. Heard learned advocate for applicants, learned Additional Public Prosecutor for State and learned advocate for victim. Perused the investigation papers.

4. It appears that DNA report is collected during the course of investigation, which discloses that accused No.1 who had allegedly committed rape on victim is not biological father of victim's child. Considering the DNA report, accused No.1 was granted regular bail by the trial Court, vide order dated 22/12/2023.

5. Investigation is complete and charge-sheet is filed on 06/07/2023 and the case is numbered as Sessions Case/Special Case No.79/2023.

6. In the light of aforestated facts and the fact that applicants were granted interim protection and they have co-operated in the investigation, custodial detention of applicants is not warranted. Application is, therefore, allowed by confirming interim protection granted to applicants by order dated 09/11/2023. Applicants shall not tamper prosecution evidence.

7. High Court Legal Services, Sub-Committee, Aurangabad, to pay the fees of learned advocate appointed to represent victim as per the schedule, within a period of four weeks from today.

(NITIN B. SURYAWANSHI, J.)