



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

35 BAIL APPLICATION NO. 1801 OF 2024

ASHA W/O SADASHIV GUTTE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. More P. P.
APP for Respondent -State : Mr. S. B. Pulkundwar.
Advocate for Respondent No.2 to assist APP : Mr. Nitin U.
Telgaonkar – Absent.

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CORAM : S. G. MEHARE, J.
DATE : 21.10.2024

PER COURT :-

1. Heard the learned counsel for the applicant and learned APP for the respondent-State. Learned counsel for the victim/respondent No.2 did not appear and also did not file application.

2. The applicant seeks bail in Crime No.455 of 2024, registered with Vivekanand Chowk Police Station, District Latur, for the offences punishable under Sections 302, 376(2)(f), 354, 506 read with Section 34 of the IPC, Sections 5, 6, 10 of the POCSO Act and Section 3(1)(w)(i), 3(1)(w)(ii), 3(2) and 3(v) of the SC and ST Act.

3. The victim was residing in the hostel run by the applicant. She has a case that on the day of the incident, accidentally the victim fell down from upper floor. She took victim to the hospital. However, subsequently after though, the colour of forceful rape and murder was given to the case. No weapon has been used in the crime. Since the incident happened in the premises, where she was running girls hospital, she has been arraigned as an accused. She is languishing in jail for sufficient time. In the circumstances, though the learned APP has strongly opposed the application on the ground that the offence is serious, she deserves bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **ASHA W/O SADASHIV GUTTE** be released on bail on furnishing PB. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of like amount, on the following conditions :
 - (a) The applicant should not tamper with the prosecution witnesses.

- (b) She should attend the trial on each and every effective date.

(S. G. MEHARE, J.)

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vmk/-