

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Criminal Bail Application No.302 of 2024

Ratna Vikram Koli

Age: 37 years, Occ.: Housewife

R/at Shriram Nagar, Behind Fauji

Hotel, 10th Mail, Ozar, Tal:Nihphad,

District-Nashik

(at present in Nashik Road Central Jail,

Jail road, Nashik)

... Applicant.

Vs.

The State of Maharashtra

(at the instance of Panchavati Police

Station, Nashik)

2. XYZ

Age:28 years, Occ: Bigari Kam,

R/at Rahul Wadi, Fulenagar, Nashik.

... Respondents.

Mr Prashant D. Patil for the applicant.

Mr Arfan Sait, APP for the State.

Ms Fehmida Ahmed for respondent No.2 (Legal Aid).

Coram : R.N.Laddha, J.

Date : 20 August 2024.

P.C. :

I have heard the learned Counsel for the parties.

2. By this application, the applicant seeks bail in connection with CR No.I-178 of 2022, registered at Panchavati Police Station, Nashik, for the offences punishable

under Sections 363, 366-A, 370, 370-A, 376(2), 376-D read with 34 of the Indian Penal Code; Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, Section 9 of the Prohibition of Child Marriage Act, 2006, and Sections 81 and 84 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

3. Mr Prashant Patil, the learned Counsel appearing on behalf of the applicant, submits that the applicant has been in jail since 11 August 2022. The investigation is complete, and a charge sheet has been filed. The applicant has AIDS and poses no flight risk or threat to tamper with witnesses if released on bail. The learned Counsel emphasised that the applicant will not misuse the liberty granted to her. The co-accused, Kajal Gaikwad, was arrested and released on bail, and the primary allegations focus on co-accused, Priyanka Patil. Merely providing accommodation to the victim and co-accused does not imply the applicant's involvement in the alleged crime.

4. Mr Arfan Sait, learned APP for the State submits that the offence is grave, particularly given the victim's young age of 12 years at the time of the incident. The applicant has a criminal antecedent, and is accused alongside Priyanka, the main accused in the present case. Moreover, the applicant

committed the present offence while already on bail for a separate crime, demonstrating a blatant disregard for the law. The applicant knowingly harboured the co-accused and provided shelter, further implicating herself in the crime.

5. Upon reviewing the application and the filed charge-sheet, prima facie it appears that the accused committed in a well planned design. The crime is serious, and the applicant played an active role in it. The victim, only 12 years old, was kidnapped and sold to the co-accused, who subjected her to sexual exploitation. The victim's statement details a series of incidents, and there is no indication of false implication. The crime is a grave offence against society, punishable under Section 4 of the POCSO Act with a maximum sentence of life imprisonment. At the same time, co-accused Kajal was granted bail due to her young children who were about one and a half years and three and half years old. The applicant's antecedents of committing such severe offences on multiple occasions outweigh her health condition, HIV AIDS, as a reason for bail. This aspect is highlighted in **State of Meghalaya v. Lalrintluanga Sailo & Anr., 2024 SCC OnLine SC 1751**. Given the seriousness of the offence and the prima facie material of the applicant's involvement in the crime, she cannot be granted bail.

6. In light of the above, the application is rejected and dismissed accordingly.

7. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with the law, uninfluenced by the observations made in this order.

[R. N. Laddha,J.]