

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1648 OF 2024

Kajal Ganesh Janrao (nee Surekha Dilip Waghmare)... Applicant
Vs.
State of Maharashtra and another ... Respondents

Mr. Sachin M. Bhavar for Applicant.

Mr. Balraj B. Kulkarni, APP for Respondent-State.

Mr. Kishor Shivahi Talekar, Police Constable, Kurduwadi Police Station, Solapur.

CORAM : MANISH PITALE, J.
DATE : JUNE 25, 2024

P.C. :

. Heard Mr. Bhavar, learned counsel appearing for the applicant and Mr. Kulkarni, learned APP appearing for the respondent - State.

2. Since the present case involves offences under the provisions of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act), issue notice to the informant i.e. respondent No.2, returnable on 10.07.2024, H.O.B.

3. Investigating officer shall serve the respondent No.2 and for that purpose, the applicant shall provide an additional set of papers.

4. The applicant is apprehending arrest in connection with FIR No.0605 of 2021 dated 17.12.2021 registered at Kurduwadi Police Station, District - Solapur for offences under Sections 354, 363 and 366 of the Indian Penal Code, 1860 (IPC) as also under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act).

5. In the present case, the informant i.e. the father of the victim approached the police and stated that his daughter, at that time aged about 14 years and 3 months, had suddenly disappeared from the house in the night. Upon looking for her, they suspected that she had eloped with the brother of the applicant, who used to visit her house.

6. Initially, the FIR was registered only against the main accused Prakash Waghmare i.e. the brother of the applicant, but subsequently, the names of the other accused persons, including the applicant, were added.

7. It is relevant to note here that the FIR was registered as far back as on 17.12.2021. All the other accused persons, including the main accused i.e. the brother of the applicant, have been granted regular bail. Charge-sheet has been filed. The applicant is a married woman and it is brought to the notice of this Court that she has recently given birth to a child.

8. There is variance in the two statements of the victim i.e. the first recorded on 18.12.2021 and the supplementary statement recorded after seven days on 25.12.2021.

9. While in the first statement, the victim has not attributed any specific role to the applicant, in the supplementary statement, her role has been stated in some detail.

10. In view of the above, as long as the applicant is ready to appear before the investigating officer, it would be appropriate to grant interim relief in the present application.

11. This Court has taken note of the specific circumstance that the applicant is a married woman, who has given birth to a child recently.

12. In view of the above, interim relief is granted in the following

terms:-

- a. Till the next date, in the event the applicant is arrested in connection with FIR No. 0605 of 2021 dated 17.12.2021 registered at Kurduwadi Police Station, District - Solapur, she shall be released on bail on furnishing PR Bond of Rs.25,000/- (Rupees Twenty Five Thousand only) and one or two sureties in the like amount;
- b. The applicant shall appear before the investigating officer on 28.06.2024 and thereafter as and when required by the investigating officer;
- c. The applicant shall not influence the informant, witness or any person concerned with the case and she shall not tamper with the evidence.

13. Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.

(MANISH PITALE, J.)

Minal Parab