



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 459 OF 2024

Laxmi w/o Gopaldas Bairagi Vs State of Maharashtra and another.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. PK. Bezalwar, counsel for the applicant.

Ms. Soniya Thakur, APP for the non-applicant/State.

Ms. PR. Arbat, counsel (appointed) for the non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 05/07/2024.

1. Apprehending the arrest at the hands of police, in connection with Crime No. 239/2024 registered at Police Station Kapilnagar, Nagpur for the offence punishable under sections 376(2)(N), 323, 294 read with Section 34 of the Indian Penal Code, 1860 and Sections 4,6,8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. The accusation against the present applicant is that the co-accused Rajneesh Gopaldas Bairagi is the son of the present applicant, who has subjected the victim for sexual assault on the promise of marriage. It is further alleged that when the victim had been to the house of the co-accused, the present applicant, who is the mother, abused her in a filthy language. She narrated the incident dated 08/06/2024 and alleged that, when she had been to Ginger Mall Mobile Shoppe, the present applicant came there along with her son and abused her in filthy language and also manhandled her and assaulted her by fist blows. On the

basis of said report, the police have registered against the present applicant.

3. Learned counsel for the applicant submitted that, considering the allegation against the present applicant, her custodial interrogation is not required. In view of that, she be protected by granting anticipatory bail.

4. Learned APP and learned appointed counsel strongly opposed the said application on the ground that the applicant has not only abused the victim but also manhandled and assaulted her, and therefore, the application deserves to be rejected.

5. After hearing learned counsel for the parties and perusal of the recitals of the FIR as well as the investigation papers, only allegation against the present applicant that she abused the victim and also manhandled her and assaulted her by fist blows. Considering the role of the present applicant, her custodial interrogation is not required. In view of that, application deserves to be allowed. Accordingly, I proceed to pass the following order:

- a) In the event of arrest, in connection with Crime No. 239/2024 registered at Police Station Kapilnagar, Nagpur for the offence punishable under Sections 376(2)(N), 323, 294 read with Section 34 of the Indian Penal Code, 1860 and Sections 4,6,8 and 12 of the Protection of Children from Sexual Offences Act, 2012, the applicant – Laxmi w/o Gopaldas

Bairagi, shall be released on anticipatory bail, on executing PR. Bond of Rs. 25,000/- with one solvent surety in the like amount.

- b) The applicant shall attend the concerned police station as and when required for the investigation purpose.
- c) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.
- d) The fees of the appointed counsel be quantified as per Rule.

The application stands **disposed of**.

[URMILA JOSHI-PHALKE, J.]