



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 200 OF 2025

Jayshree Ashok Sonwane

Age : 24 years, Occ: Household,

R/o. Ambawadi, Q: Pathardi,

District Ahmednagar.

... Applicant

Versus

1. The State of Maharashtra
Through Police Station Chhawani,
Taluka and District Aurangabad.

2. X Y Z

... Respondent

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Mr. S. G. Bobade, Advocate for the Applicant.

Mr. V. M. Jaware, APP for Respondent-State.

Mr. Shilpa L. Awchar, Advocate for Respondent No.2 (appointed)

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 09.04.2025

ORDER :

1. Present application is for grant of regular bail on account of applicant's arrest in crime no. 0473 of 2024 registered at Cantonment (Chhavani) Police Station, District Chhatrapati Sambhajinagar City for offences punishable under Sections 137(2), 70(1), 96, 123 of the Bharatiya Nyaya Sanhita (BNS) and Sections 4(1) and 17 of POCSO Act.

2. It is submitted that applicant is arrested in above crime on 26.06.2024. That, she is a woman. No role is attributed to her. Only allegations are that, she allegedly suggested main accused to take victim for outing. Except such allegations, there are no other allegations. Applicant is behind bars since more than 9 months. Now investigation is over and charge sheet is filed in November 2024 itself. When no further recovery or discovery is to be made, learned counsel seeks enlargement on bail on any condition deemed fit by this Court.

3. Learned APP opposed on the ground that victim is 16 years of age. Present applicant has abetted commission of offence, as a result of which, accused no.2 committed serious offence. That, offence of gang rape was to be committed. However, learned APP, on court query, admitted that main allegations are against other accused and charge sheet is already filed.

4. Perused the report dated 23.09.2024 by grandmother of victim, who gave her grand daughter's age as 16 years. Report regarding missing of victim and her kidnapping has been lodged with police. Statement of victim is on record. It is recorded on 26.09.2024. She reported that, she came in contact with present applicant in some function and they exchanged mobile numbers. Victim reported that

present applicant used to say to her that she has no freedom in the house and to accompany her to Samgamner and she also stated that she had one boyfriend namely, Jaipal. On 20.09.2024 she suggested to come out of the house, and accordingly, on 21.09.2024, present applicant forcibly took her in a car, which was already occupied by her boyfriend, and she was taken towards a godown and made to eat and drink, after which she felt dizzy and went to sleep, and she alleged that while under its influence, Jaipal raped her. She alleges that, subsequently also, Jaipal drugged her and took her to Nasik, Dhule. Therefore, allegations of rape are against Jaipal. Role attributed to present applicant is that, she lured victim to leave the house and accompany her and allegedly took her in the car of her boyfriend, who allegedly raped victim. Learned APP opposed on the ground that applicant has abetted the offence.

5. In view of such allegations, applicant was arrested and she is behind bars since June 2024 i.e. almost 10 months. Nothing is shown to be further recovered at her instance. Charge sheet is already filed. It is not made known whether matter is committed and charge is framed or not. Therefore, considering above uncertainty and nature of allegations against present applicant, I proceed to pass the following order:

ORDER

- I. The application is allowed.
- II. Applicant be released on bail in connection with Crime No. 0473 of 2024 registered at Cantonment (Chhavani) Police Station, District Chhatrapati Sambhajanagar City, on executing Personal Bond of Rs. 15,000/- with one surety in the like amount, on the following conditions :
 - [a] The applicant shall not tamper prosecution evidence.
 - [b] The applicant shall not enter the vicinity where informant, victim and their near and dear ones resides, till conclusion of trial and shall not contact them directly or indirectly, in any manner
 - [c] The applicant shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.
- III. Parties to act on an authenticated copy of this order.

[ABHAY S. WAGHWASE, J.]

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