



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

BAIL APPLICATION NO. 853 OF 2025

Muktabai Maroti Boindwad.

... Applicant

Versus

The State of Maharashtra and another.

... Respondents

...
Dr. D. R. Deshpande, h/f Ms. Priyanka R. Deshpande, Advocates for Applicant.

Mr. K. K. Naik, APP for Respondent No.1 / State.

Mr. C. V. Deshmukh & Mr. A. R. Ban, Advocates for Respondent No.2.

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CORAM : **SANJAY A. DESHMUKH, J.**

RESERVED ON : 07th October, 2025.

PRONOUNCED ON : 17th October, 2025.

ORDER:

1 Heard both the sides.

2 This application is filed for grant of regular bail in connection with Crime No.0709 of 2024, registered with Gangakhed Police Station, District Parbhani, for the offences punishable under Sections 109, 114, 354-A, 376, 376(2)(n), 376-A, 376-AB, 376-B and 506 read with 34 of the Indian Penal Code, 1860 and under Sections

4, 6, 8, 10 and 17 of the Protection of Children from Sexual Offences Act, 2012 (for short, “the POCSO Act”).

3 The learned counsel for the applicant pointed out the report, in which the informant averred that her daughter aged 10 years and 11 months was studying in 4th standard. She was sent for education with her grand-mother at Gangakhed, District Parbhani. On 25th October, 2024, the informant went to fetch her daughter. When the informant was trying to send the victim child back after Diwali vacation, the victim child was crying and was saying that she did not want to go there. The informant inquired with her. At that time, the victim child said that the applicant (grand-mother) took her to the main accused Ram Gaikwad, who showed her obscene clips of nude women on his mobile handset and thereafter committed aggravated sexual intercourse on her. At that time, the applicant caught hold the legs of the victim child. The victim child was crying. This type of incident frequently took place. Therefore, the victim child was not willing to go there.

4 The learned counsel for the applicant submitted that the applicant is falsely implicated in the crime. The applicant has roots in the society and she will not flee away from trial. She has no criminal antecedents. Only because of family quarrel, the applicant is falsely

implicated in the crime. It is lastly prayed to allow the application.

5 The learned APP for the State and the learned counsel for respondent No.2 strongly opposed the application and submitted that the applicant is involved in the serious crime. She facilitated the main accused to commit the said crime. The applicant has abetted the main accused to commit aggravated sexual assault on the victim child of 11 years. It is lastly prayed to reject the application.

7 Perused the charge-sheet, particularly, the report and the statements of witnesses.

8 The applicant is 55 years old woman. She has roots in the society and she will not flee away from the trial. Trial will take a long period. There is delay caused for lodging the report. Considering all these aspects, without adverting to the merits of the case, the application deserves to be allowed on the principle that bail is rule and jail is exception, on certain conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicant in connection with Crime No.0709 of 2024, registered with Gangakhed Police Station, District

Parbhani, for the offences punishable under Sections 109, 114, 354-A, 376, 376(2)(n), 376-A, 376-AB, 376-B and 506 read with 34 of the Indian Penal Code and under Sections 4, 6, 8, 10 and 17 of the Protection of Children from Sexual Offences Act, be released on bail on furnishing personal bond of Rs.25,000/- with surety of the like amount on following conditions:-

- a) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.

[SANJAY A. DESHMUKH, J.]

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