

ORDER BELOW EXH. 1 IN SPL(C) MA NO. 255 of 2014.

This is the bail petition filed by applicant as per Sec.438 of Cr. P. C.

2] The say of applicant is that Sangavi police have registered CR No. 289/14 against applicant and co-accused under S. 315, 201, 323, 504, 506 r/w 34 of IPC and under S. 3,4, 9,(l)(m)(n) of The Protection of Children from Sexual Offences Act, 2012. The say of applicant is that complaint is lodged by complainant Chanchal Chandrakant Bhurud, alleging that her father committed rape on her on and often and when she became pregnant she was admitted to Sassoon Hospital, Pune by present applicant. The allegation is that present applicant abused her, assaulted her and forced her to eat black pepper (miri) and she tried to cause injury to the child in the womb.

3] The say of applicant is that there are only allegations against her of assaulting her and providing black pepper (miri) to her. The allegation is that after the birth of child, the child died and the body of child was disposed off. The say of applicant is that she did nothing and, therefore, she prayed for anticipatory bail.

4] State appeared and objected the application.

5] I heard the submission of both the sides. Following points arise for my determination. I record my points and findings together with for the reasons stated below.

Points**Findings**

1] Whether applicant is entitled to Anticipatory bail ?

– Yes.

2] What order ?

– Application is allowed.

REASONS

All points. :-

6] After perusal of record of police, I found that father of victim girl is arrested by police and he is in MCR. Present applicant is grand mother of victim girl. According to applicant, she is residing at her native place Yaval, Dist. Jalgaon. She did nothing. According to prosecution, she assaulted victim girl and provided and forced her to eat black pepper (Miri) and tried to cause abortion of child in her womb and after birth of child, child died, then that body was disposed of. Applicant is denying this fact.

7] Today the medical case papers are produced on record. It shows that dead body of newly born child of victim girl was handed over to the father of victim girl. It is not handed over to the present applicant. There is no further evidence on record to show that applicant is involved in the matter pertaining to disposal of dead body.

8] The record shows that the main allegations are against the father of victim girl. This applicant is not involved in main crime. So considering her age 70 and allegations against her on record and evidence against her on record, I say that applicant is entitled to anticipatory bail as prayed for. Hence I answer the points accordingly and proceed to pass the following order.

ORDER

1] Application is allowed as under :-

In the event of arrest, the applicant Vimal Narayan Bhirud be released on anticipatory bail, in connection with CR No. 289/14 registered at Sangavi Police Station, under Section 376(2)(f) (i)(n), 315, 201, 323, 504, 506 r/w 34 of IPC and under S.3,4,9(l)(m) (n) of The Protection of Children from Sexual Offences Act, 2012, on

executing SB and PB of Rs. 15,000/-, with one surety in the like amount, on following conditions.

- A] The applicant shall not tamper with the prosecution evidence in any manner.
- B] The applicant shall co-operate with police for further investigation.
- C] The applicant shall attend the Court on given date.
- D] The applicant shall attend concerned police station on last Sunday of each month in between 11 a.m. to 2 p.m. till filing of charge sheet.
- 2] Inform concerned police station accordingly.

Pune,

Dated/-25-07-2014

(Mrs. Prachi P. Kulkarni)
Special Judge, Pune (Under The Protection of
Children from Sexual Offences Act, 2012)

I affirm that the contents of this PDF file Judgment are same word for word as per original Judgment. Name of Steno : Shri. V. V. Bannur, PA. Court Name : Mrs. P. P. Kulkarni, District Judge, 01, Pune. Judgment signed by P.O. On : 25.7.14 Judgment uploaded on : 8-8-2014 Date of PDF file : 8.8.14.