

MHPU140024442023



Surekha Laxman Netke
Vs.
State of Maharashtra

: Order below Exh.04 :
(Dated 20th November, 2023)

This is an application filed by the applicant/accused No. 2 for grant of regular bail, in connection with Crime No.360/2023, registered with Daund Taluka Police Station, for the offences punishable U/Ss.376(2)(n), 376(2)(f), 34 of IPC and U/Ss. 4, 5(j)(2), 5(L)(N)6, 8, 12 of the Protection of Children from Sexual Offences Act, 2012.

02 FIR dated 02.05.2023 discloses that, victim is a minor girl aged about 17 years and 4 months. Accused No. 1 is a father and accused No. 2 is step mother of victim. Victim was residing with accused at Girim. Accused No. 1 committed rape of victim for several times. Accused No. 1 committed rape of victim lastly on 20/03/2023. Victim was having stomach ache, therefore, she told about it to the accused No. 2 and also the fact that, accused No. 1 committed rape of her for several times. But said accused No. 2 threatened victim not to disclosed said facts to any one else she would kill her. Therefore, victim did not disclose said incident to anyone. On 10/04/2023 victim was brought by her grand-mother and maternal uncle, there they brought her in a hospital where it was diagnosed that, victim is a pregnant. Victim lodged the FIR dated 03/05/2023, based on which Crime No.360/2023, came to be registered with Daund Taluka Police Station, for the offences punishable U/Ss.376(2)(n), 376(2)(f), 34 of IPC and U/Ss. 4, 5(j)(2), 5(L)(N)6, 8, 12 of the Protection of Children from Sexual Offences

Act, 2012, against accused.

03 Heard Ld. Advocate for the applicant, Ld. A.P.P. for the State, and victim in person. Read the application and say on it. Perused the police papers, and other documents.

04 Ld. Advocate for the applicant/accused submitted that, victim lodged false crime against accused with some interior motive. The role attributed against present accused no. 2 did not attract the offences punishable U/Ss.376(2)(n), 376(2)(f), 34 of IPC and U/Ss. 4, 5(j)(2), 5(L)(N)6, 8, 12 of the Protection of Children from Sexual Offences Act, 2012 but at the most offences under Section 506 of IPC would attract against her. Said offence is bailable. So accused No. 2 be released on bail.

05 On the contrary, Ld.A.P.P. submitted that, offence is serious in nature. Age of victim is 17 years and 4 months. Accused No. 1 who is the father of victim, had forcible intercourse with victim and therefore victim became pregnant. That accused no. 2 who is mother of victim did not support her, but threatened to not disclose said fact to anyone. Said accused No. 2 is stigma on the motherhood. That if accused is released on bail, then there will be threat to the life of victim at the hands of accused. On above all contentions, he prayed to reject the application.

06 Victim in person submitted that, there is threat to her life at the hands of accused, so she shall not be released on bail.

07 I have gone through the submissions made on behalf of both the parties. FIR discloses that victim was raped by accused No. 1 and when she was having stomach ache then she informed about rape and ache to accused No.2 i.e. her mother, but she threatened her to not to disclose said

fact to anyone. The role attributed against said accused no. 2 do no attract the offences punishable U/Ss.376(2)(n), 376(2)(f), 34 of IPC and U/Ss. 4, 5(j)(2), 5(L)(N)6, 8, 12 of the Protection of Children from Sexual Offences Act, 2012, but the allegations against said accused no. 2 would attract only offence under Section 506 of the IPC and 21 of the of the Protection of Children from Sexual Offences Act, 2012, which are bailable offences. More so, the accused No. 2 is in jail from 05.05.2023. More so the investigation is already completed and charge-sheet is filed, therefore, considering the aforesaid facts and circumstances coupled with completion of investigation further custody of accused no. 2 does not warranted. More so accused no. 2 is appears to be resident of Shirur, therefore, her presence for trial is seems to be secured. The trial is not likely to be commenced in near future, therefore, it is not just to keep the accused behind bar for uncertain period. So the accused is entitled for bail. Hence, the order:-

ORDER

- 01.** The application (Exh.04) is allowed.
- 02.** Applicant/accused **Surekha Laxman Netke** R/o. Shirur, Dist. Pune, in Crime No.360/2023, registered with Daund Taluka Police Station, for the offences punishable U/Ss.376(2)(n), 376(2)(f), 34 of IPC and U/Ss. 4, 5(j)(2), 5(L)(N)6, 8, 12 of the Protection of Children from Sexual Offences Act, 2012, be released on P.B. of **Rs.75,000/-**, along with one solvent surety in the like amount, on the condition that:-
 - a)** She shall attend the trial on each and every date without fail.
 - b)** She shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

- c) She shall not threaten the prosecution witnesses and victim.
- d) She shall furnish his address and contact number.
- e) She shall not indulge in any criminal activities.
- f) She shall not leave India without permission of the Court.
- g) She shall comply with Chapter I paragraphs 1 to 6 of the Criminal Manual 1980. (In view of order of the Hon'ble High Court passed in Criminal Application No.28 of 2010 in Public Interest Litigation No.25 of 2010 on January 29, 2020.

Date : 20.11.2023

(J. A. Shaikh)
Additional Sessions Judge
Baramati

I affirm that the contents of this PD.F. file order are same word for word as per original order.

Name of Steno.	:-	Shri. M. C. Atnure Stenographer (III)
Court Name	:-	Shri. J. A. Shaikh, Additional Sessions Judge, Baramati
Date	:-	20/11/2023.
order signed by P.O. on	:-	20/11/2023.
order uploaded on	:-	20/11/2023.