

: ORDER BELOW EXH.10 IN SPECIAL CASE NO. 13/2022 :

1) This is first bail application filed by accused no.4 Sangita Mangesh Hiram under section 439 of the Code of Criminal Procedure, to release her on bail in connection with Crime No.14/2022 registered with Mangaon police station, for the offence punishable under sections 376(2)(j)(n) read with section 34 of the Indian Penal Code and under sections 4, 8 & 17 of the Protection of Children From Sexual Offences Act, 2012.

2) According to accused, she has not committed any offence. She is mother of victim girl. The victim girl has delivered a child and nobody is there to take care of victim girl and her child. She do not having criminal antecedents. There is no *prima facie* case to show that this accused has committed offence. If this accused will remain in jail, her family members will suffer. She is permanent resident of Wadhvan-Adivasiwadi, Tal. Mangaon. She will not flee away from justice. She will not tamper with prosecution evidence. Investigation is completed and charge-sheet is filed. She is ready to abide the terms & conditions of bail. Hence, this application for bail.

3) The prosecution has filed their reply at Exh.11 and has strongly opposed the application on the grounds the accused has committed serious type of offence. There is *prima facie* evidence against the accused. The reasons mentioned for bail, are false. Hence, prosecution having objection to release the accused

on bail.

4) Heard Ld. Advocate Shri. P. A. Sheth for the accused and Ld. A.P.P. Shri. Tendulkar for the State. Perused charge-sheet papers.

5) The allegations against the accused are that, an information was received to police from Mata Bal Rugnalaya, Belapur, Navi Mumbai that minor victim girl is pregnant and she is also suffering from Covid-19. Therefore, police went there and recorded her statement. She has informed that while she was taking education in school, the accused no.1 has given her proposal to marry with him. After lock-down, she has informed her parents about it and then her parents have performed her marriage with accused no.1. Thereafter, she having physical relations with accused and therefore she was 8 months pregnant. So, upon said information API D. S. Nigal has lodged report against accused persons. Present accused is mother of victim girl.

6) It is argued on behalf of Ld. Advocate for accused that at present the victim girl has delivered a child and nobody is in the house to look after her and take care of her baby. It is further argued that as the accused and victim girl belong to *Adivasi* community and as per their custom, the marriage ceremony was performed between them. The victim girl has no complaint against the accused and their relations with each others are cordial. Investigation in this matter is completed and charge-

sheet is filed. The custody of the accused is not at all required with the police.

7) The relations between victim girl and accused are not disputed. It appears that the marriage of minor victim girl is performed with accused no.1. The victim girl very well knows the accused no.1 prior to marriage and she has accepted proposal of accused no.1 and thereafter, their marriage was performed.

8) The prosecution having objection that offence is serious in nature and there is *prima facie* case against this accused. In this regard, it is argued on behalf of accused that investigation is completed. This accused is local resident in the jurisdiction of this Court and she will make available herself during trial. According to the accused, there is nobody to look after and take care of the minor victim girl and her new borne baby.

9) Considering the nature of offence and that the accused having no criminal antecedents and having roots in the society, there is no possibility that she will flee away from justice. The investigation in this offence is completed and charge-sheet is filed. So, the presence of the accused will not be required with police. In view of all these aspect and the the nature of the offence, I find it is fit case to release the accused on bail on certain terms & conditions. Hence, proceed to pass the following order:-

: O R D E R :

- 1) The application Exh.10 is hereby allowed.
- 2) Accused no.4 Sangita Mangesh Hiram in C.R.No.14/2022 registered with Mangaon police station, be released on bail on her executing Personal Bond of Rs.25,000/- with one or two solvent sureties of like amount, on the following conditions :-
 - (i) She shall not pressurize the prosecution witnesses, in any manner and shall not tamper with prosecution evidence.
 - (ii) She shall furnish proof of her identity and residential address.
 - (iii) She shall furnish her mobile phone numbers and shall not change or discontinue with mobile numbers, till the end of the trial.

(Dictated and pronounced in open Court)

Mangaon.
Date : 26.03.2022.

(Priya P. Bankar)
Judge, Special Court,
Mangaon-Raigad