

: ORDER BELOW EXH.3 IN SPECIAL CASE NO.49/2024 :
(CNR No. MHRG15-000611-2024)
(Passed on 11.11.2024)

1) The present application is filed by applicant/accused under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for regular bail, in respect of Crime No.123/2024 registered at Mahad City police station, for the offence punishable under section 8 of the Protection of Children From Sexual Offences Act, 2012.

2) The applicant/accused contended that the informant has lodged report against her alleging therein that she had sexually harassed the minor victim. On the basis of said report, the Investigating Officer has investigated the offence and has filed charge-sheet against her. During the course of investigation, the Investigating Officer has not arrested her. The Investigating Officer has filed charge-sheet against her. Therefore, nothing is to be recovered or discovered at her instance. She is a lady. The offence with which she is charged, is not punishable with death or life imprisonment. She prayed that she may be released on regular bail.

3) Ld. A.P.P. filed his say at Exh.5. He contended that the offence committed by the applicant/accused is committed against minor victim. The victim and applicant are relatives and if the applicant is released on regular bail, there are chances that she may pressurize the witnesses and tamper the evidence of prosecution. He prayed that the application be rejected.

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4) Notice was issued to the informant. The informant appeared and filed her say at Exh.4. She contended that the applicant is having ill-eye on her daughter. She is defaming her daughter and if the applicant is released on regular bail, there are chances that she may pressurize them and tamper the evidence of prosecution. She prayed that the application be rejected.

5) Heard Ld. advocates appearing for parties.

6) On perusal of material available on record, it appears that on 15.07.2024 informant had lodged report against the applicant/accused. The informant has contended in the report that on 10.01.2024 when her brother had taken the victim to his house at Mumbai, at that time, the applicant had sexually harassed the victim. The material shows that the incident had occurred on 10.01.2024. The report about it, is lodged on 15.07.2024. There is delay of about 6 months in lodging the report. The material further shows that the Investigating Officer has completed the investigation and has filed charge-sheet against the applicant. During the course of investigation, the Investigating Officer has not arrested her. The applicant is lady. The offence with which she is charged is not punishable with death or life imprisonment. The applicant is also ready and willing to furnish surety for her appearance at trial. Therefore, taking into consideration all the above facts, in my opinion, the applicant/accused can be released on regular bail by imposing appropriate conditions for her appearance at trial. Hence, I proceed to pass following order :-

: O R D E R :

- 1) The application is allowed.
- 2) The applicant/accused **Najneen Adil Jhatam** be released on regular bail in **Crime No.123/2024** registered at Mahad City Police Station, for the offence punishable under section 8 of the Protection of Children from Sexual Offences Act, on her executing P.B. of **Rs.25,000/-** (Rs. Twenty five thousand only), with one solvent surety in like amount.
- 3) The applicant shall not contact the victim and informant in any manner and shall not pressurize the witnesses or tamper the evidence of prosecution.
- 4) The applicant shall not enter the jurisdiction of village of victim i.e. Vahoor, Tal. Mahad, Dist. Raigad, till conclusion of trial.
- 5) Violation of any condition will entail for cancellation of bail.

(Dictated and pronounced in open Court)

Mangaon.
Date : 11.11.2024.

(H. K. Bhalerao)
Special Judge, Mangaon
Dist. Raigad