

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE,  
PANVEL-RAIGAD**

**Special (POCSO) Case No.122/2020**  
**Order Below Exh.81**  
**(CNR No.MHRG170012072020)**

**The State of Maharashtra V/s. Ajit Chandrakant  
Dabholkar and others**

**(Passed on 25/08/2021)**

1] Applicant/accused - Lalita Bhagawan Tonde has filed application for regular bail u/sec. 439 of Cr.P.C., of the offence punishable u/sec.376(2)(d)(h), 377, 354(a)(b), 509, 342, 420 r/w.34 of I.P.C and sec.3, 4, 5(f)(l)(m)(o)(p), 6, 7, 8, 9(f)(l)(m)(n)(o), 11, 12 of POCSO Act and sections 14 of Child Labour Act and sec.23 of Bal Adhinyam, of crime No.84/2014, of police station Karjat.

2] Perused application, say and record.

3] Ld. Advocate for applicant/accused submitted that, present bail application filed by accused No.2-Lalita Bhagwan Tonde. It is part-heard matter and on perusing the evidence of examined witnesses, nothing comes on record against her. She is unnecessarily kept behind bar since 27/05/2014 in the jail. She is suffering from multiple skin diseases. Not only this, she is kept in Ratnagiri jail and

many times she was not produced before this court on given date, therefore it is her request that, she may be transferred to the Raigad Jail.

4] Ld.Adv.for applicant/accused further submitted that, near about 7 years 2 months and 16 days, she is languishing behind bar. All victims already examined. Role of present applicant/accused is only, she was care taker and helper. She did nothing neither commit any offence. More than punishment, she has suffered behind bar. She has a son aged about 15 years old and studying in the 10<sup>th</sup> standard. He is in need of her presence to look after him because he has no father and except this applicant/accused, he has no any other person to maintain him and look after him. At present, the son of present applicant/accused residing on the mercy of her distant relative. Lastly, Ld.Adv. for applicant/accused submitted that, without going into the merit she may be released on humanitarian and medical ground.

5] Ld.D.G.P Shri.Salvi appeared in this bail application and requested for in camera hearing. As per his statement, there is no concrete reason as to why she may be released on regular bail, particularly when, in the evidence of all victims it is specifically comes on record that, she also

treated badly and aiding to the main accused to commit this heinous offence. Not only this, once he asked her son to press the breast of victim girls. Therefore, she has equal role with the main accused and she is not entitled for release on humanitarian ground. No medical report produced by the applicant/accused Lalita Tonde to show that, she is suffering from skin disease, therefore medical ground also not considerable.

6] Ld.D.G.P Shri.Salvi further submitted that, her earlier bail application having No.1049/15 was herself withdrawn from the Hon'ble High Court which is filed before submitting charge-sheet. Thereafter, Sessions court also rejected her bail application on 13/01/2015. In that application also, she does not show any change in his circumstances. Therefore, her role in commission of this offence is not considerable by showing leniency. She never made any complaints to parents of victims when they were being sexually abused by the hands of main accused. It shows, she was equally responsible for the same. More so, matter is part-heard mater and it comes to the concluding stage. Therefore, there is strong possibility to abscond. Hence, prayed for rejection of her bail.

7] I have gone through the record, particularly

evidence of victims. P.W.7-Victim R specifically deposed that, accused Ajit Dabholkar did ill things and committed forcible sexual intercourse with her, at that time accused No.2 i.e. Lalita Tonde was present there and once she had objected and said that main accused should not do it with them. But, accused Ajit did not listen to her. But subsequently in further examination in chief victim R deposed that, accused No.2 also used to beat them sometimes and asked all girls and boys to behave as per the instructions of accused No.1-Ajit else he will be beat them again. The evidence of victim R shows that, though accused No.2 – Lalita Tonde knows everything about the ill act of accused Ajit, but she never complained about the same to the parents of victims or to the police or any other responsible officer. Another victim examined as P.W.8.-G. As per her evidence, accused No.2-Lalita Tonde asked her son and one another victim boy to press her breast. Accused No.2 forced victims to wash vessels and utensils.

8] As per the evidence of these two victims, it becomes clear that, accused No.2 has definite role in this offence and as per the record and list of witnesses many more witnesses yet to have been examined. It took much more time to conclude this matter. By this time, only 13 witnesses have been examined and more than 50 witnesses

listed for examination. Considering the huge time period, i.e. 7 years 2 months and 16 days, which she passed behind bar and substantial time which will be required for concluding trial, I feel it is not just and proper to keep her behind bar for further more years. No doubt, she has role in this offence, but when this matter could not move further for one or other reason and as per SOP, matters are kept in abeyance for some period due to Covid situation and it will take some substantial time to commence the trial, it is proper to release her on regular bail by imposing some harden conditions on her. Hence, I pass following order.

**ORDER**

1. Regular bail Application (Exh.81) is hereby allowed.
2. Applicant/accused-Lalita Bhagawan Tonde be released on bail of the offences punishable u/sec.376(2)(d)(h), 377, 354(a)(b), 509, 342, 420 r/w.34 of I.P.C and sec.3, 4, 5(f)(l)(m)(o)(p), 6, 7, 8, 9(f)(l)(m)(n)(o), 11, 12 of POCSO Act and sections 14 of Child Labour Act and sec.23 of Bal Adhinyam, of crime No.84/2014, of police station Karjat, on her executing bond of Rs.15,000/- with one local surety in the like amount on following conditions -
  - a] She shall attend the court on each and every date without fail.
  - b] She shall not meet or pressurize with the

informant and prosecution witnesses.

- c] Whenever she wants to leave Raigad district, she shall obtain prior permission of this Court.
  - d] Her advocate shall give undertaking to secure her presence before the court on each date.
  - e] She shall submit her local address and mobile number before this court.
3. If applicant/accused is unable to furnish any surety during the lock-down period, then she is permitted to deposit surety amount of Rs.15,000/- in the court and thereafter, she shall furnish local surety in the like amount after lock-down period is over in the court.
  4. The breach of above conditions shall lead to the cancellation of bail.
  5. Bail before concerned court.
  6. Hamdast allowed.

Panvel,

Date : 25/08/2021

(Madhuri Anand)

Additional Sessions Judge,  
Panvel-Raigad.

Dictation started on : 11.00 a.m

Dictation concluded on : 11.20 a.m

**Note :-** Argument of Ld.Adv. For applicant/accused heard on 11/08/2021. Argument of Ld.D.G.P heard on 13/08/2021 and kept for order on 25/08/2021 and order passed on same day.