

MHRG170017142025



**IN THE COURT OF SPECIAL JUDGE
AT PANVEL, DISTRICT- RAIGAD**

SPECIAL CASE NO.204/2025

The State of Maharashtra

--- Prosecution

Vs.

Vaishali Pravin Dipake

--- Accused

Corum - Santosh C. Shinde

Date – 27th October 2025

Appearance-

Ld. advocate Mr. Vishal Katkar for accused

Ld. Spl. P. P. Smt. Thalkar for the State.

Order below exh.3

1. Heard Ld. advocate Mr. Vishal K. Katkar for applicant & Ld. Spl. P. P Smt. Thalkar for the State.
2. Application is filed for regular bail.
3. Notice was issued to victim & State of Maharashtra. Say is filed overleaf the application and application is strongly objected.
4. Perused charge-sheet.

5. FIR is registered by victim. In the year 2024, she received friendship request on Instagram from son of accused and both started chatting on Instagram. In the month of December 2024, son of accused proposed her and in the month of February 2024, he had called victim at Panvel to meet him therefore, she had gone at Panvel. This fact came to the knowledge of mother of victim and both were persuaded by her mother. Meantime, both were in contact with each other.
6. FIR further shows that on one day, son of accused had called victim to his house and when victim had gone to the house of accused, she went out for some work and that time, on promise of marriage, son of accused committed sexual intercourse with her. After few days, periods of victim missed therefore, she tested her pregnancy on pregnancy kit and that test was positive. Due to her pregnancy, there was quarrel between both families.
7. It is alleged that after, 27th April 2025, son of present accused, his two friends and victim had gone to native place of accused. Victim was taken there on pretext of marriage of close relative. Abortion of victim was carried out there by two sisters of present accused. Victim was kept there for 10 to 15 days. Thereafter, son of accused started to avoid victim and refused to marry her. Thereafter, FIR is registered.
8. Ld. advocate for accused submitted that accused is a widow and sole bread winner of her family. Doctor in whose hospital it is alleged that abortion was carried out has filed case against the victim and he has not caused abortion. Now, charge-sheet

is filed. Accused has no antecedents. There is no need to keep her in custody.

9. Ld. Spl. P. P submitted that offence is serious in nature. Accused has performed main role. Abortion was carried as per directions of accused. She may threaten the witnesses.
10. If allegations against present accused are considered then it is alleged that accused has caused miscarriage of victim with help of her sisters. As per victim's version, two sisters of accused have caused her miscarriage on say of present accused. When miscarriage was caused, accused had come there and thereafter, fetus was disposed of by accused & her son.
11. This is second bail application of present accused. First bail application of accused was rejected for reason that the investigation is in progress. Record shows that the doctor in whose hospital it was alleged that the miscarriage was carried out has registered case against the victim for extortion. As per statement of that doctor, victim had not come to his hospital for causing miscarriage.
12. In the charge-sheet there is no material on record to show that miscarriage of victim was carried out in the hospital of that doctor. Statement of one doctor who had carried out sonography shows that victim was pregnant and after conducting sonography he had given report about the status of fetus. In charge-sheet, one colour photograph of fetus has been attached but from that it is not clear as to who had taken that photograph.

13. Investigation officer has also not investigated as to what happened with the fetus and how it was disposed of. That angle of investigation is silent. Now, charge-sheet is filed which shows that investigation is not pending. Accused has no antecedents. Now, no recovery or discovery is pending. Police report is also filed against the son of the accused who is juvenile in conflict with law.
14. There is no other reason for rejecting the bail application. Bail is rule and jail is exception. Object of bail cannot be ignored. Bail cannot be withheld as punishment. It will take time to commence & conclude the trial therefore it would not be proper to keep accused behind bars for indefinite period otherwise it will amount to pre-trial conviction. accused can be released on bail by imposing certain conditions. As a result, I pass the following order.

ORDER

1. Application is allowed.
2. Accused Vaishali Pravin Dipake be released on bail on furnishing P.B. & S.B. of Rs.20,000/- (Rupees Twenty Thousand) with one or two sureties in like amount in crime No.207/2025 registered at Khandeshwar Police Station, Navi Mumbai for offences punishable u/s.64(2)(m), 89, r/w 3(5) of the BNS & u/s.4, 8, 12 & 21 of the Protection of Children from Sexual Offences Act, 2012, if she is not required in any other offence.

3. Accused shall attend the trial regularly.
4. Accused shall not leave India without previous permission of the Court.
5. Accused shall not directly & indirectly make any inducement, threat or promise to any person acquainted with facts and circumstances of the case so as to dissuade her from disclosing such facts from the police & the Court.
6. Accused shall furnish her temporary & permanent residential proof, valid E-mail ID and mobile number.
7. Registry is directed to inform accused about this order on e-mail.

Application is disposed of accordingly)

Panvel
Date:27/10/2025

(Mr. S. C. Shinde)
Special Judge, Panvel
Dist.-Raigad