

MHTH060018892025



Reg. Bail Application No.974/2025

Asha Baban Shinde

V/s.

The State of Maharashtra.

(Kalyan Taluka Police Station)

E- filing.**ORDER BELOW EXH. 1**

1. This is an application filed under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 for the offence punishable under sections 64(1), 65(2), 74, 118(1) read with 3(5) of the Bhartiya Nyay Sanhita, 2023 and under sections 4,6 and 8 of the Protection of Children from Sexual Offence Act 2012 and Section 42, 75, 82(1) of Juvenile Justice (Care and Protection of Children) Act, 2015 vide CR No.198/2025, registered at Kalyan Taluka Police Station.

2. Learned advocate for the applicant has argued that applicant is a woman. Her husband used to run one Institution by the name Pasaydan Vikas Foundation, which is a residential school. It is argued that applicant is a house wife. Thus, she is not concerned with any allegations made in the FIR. It is argued that the allegations of POCSO Act are against the co-accused. It is argued that the applicant is resident of Junnar. She was arrested from Junnar. There is delay of 4 months. It is argued that the local residents are against the residential school run by husband of the applicant. Therefore, they have falsely implicated his entire family. It is argued that except a daughter, who studies in 12th standard entire family is arrested and behind the bars. It is argued that there is nobody to take care of the daughter. It is argued that investigation is almost

complete. The applicant is not concerned with allegations of POCSO Act. She is ready to furnish surety and abide by terms and conditions. Hence, application be allowed.

3. Ld. APP has opposed the application and argued that name of the applicant is mentioned in the FIR. Specific allegations are made against her. There are total 29 victims. The torch used to give shock to the victims is recovered. The investigation is incomplete. There is a prima facie case. If bail is granted, there is possibility of tampering and pressurizing. Hence, application be rejected.

4. The notice was issued to the informant. Informant is District Co-ordinator in Women and Children Welfare Department. She has filed say that offence is serious. Therefore, bail should not be granted.

5. Heard both the learned advocates at length. Perused application, say of informant and police papers.

6. On perusal of FIR, prima facie it is seen that husband of applicant is a Trustee to Pasaydan Vikas Foundation, Khadavali West. The complaints were made to District Women and Children Welfare Department that the children kept in the Institution are ill-treated by applicant and her family members. Prima facie, it is seen that on 11.04.2025, a visit was given. There were 29 students in the Institution. They were communicated. They narrated their ordeal to the Committee.

7. Prima facie, it is seen that the victims complained that sons of the applicant have sexually assaulted them. The

allegations against present applicant are, the applicant along with the co-accused used to beat them with stick, steel rod, belt, bat etc. and they also given them burns. There are allegations of sexual exploitations against the co-accused.

8. Ld. Advocate has argued that applicant is a women and there are no allegations of POCSO against her. It would be pertinent to note here that the applicant and co-accused are the family members. Thus, prima facie it cannot be said that she was not aware of any ill treatment to the victims. Further the allegations are made that she also ill-treated the victims. It would be pertinent to note that all the victims are below 12 years. The offence is very serious. All the victims are hapless children. Many of them are Orphans. The investigation is not yet complete. Prima facie, in such circumstances, it is not proper to consider bail application at this stage. Hence, proceed to pass following order -

ORDER

Application is rejected.

Kalyan.
Dt.14.05.2025.

(V. A. Patravale)
Special Judge (POCSO), Kalyan.