



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2029 OF 2023**

Vandana Mahadev Kale

... Applicant

versus

The State of Maharashtra and anr.

.... Respondents

Mr. Shriganesh S. Sawalkar, Advocate for the Applicant.

Ms. Poonam P. Bhosale, APP for Respondent-State.

Ms. Yugandhara Khanwilkar, Advocate for Respondent No.2.

**CORAM : SHIVKUMAR DIGE, J.
DATE : 25th FEBRUARY, 2025.**

P.C. :

1. The applicant is seeking regular bail in Crime No.1371 of 2020 registered with Malwani Police Station, Mumbai, for the offences punishable under Sections 307 and 506(2) of the Indian Penal Code 1860 (for short "IPC"), Section 5(j)(1) of the Protection of Children from Sexual Offences Act, 2012 (for short "POCSO") and Section 75 of Juvenile Justice Act.

2. It is prosecution's case that the applicant is the aunt of the victim girl aged 7 year old. It is alleged on the cause of eating chocolates of Rs.10/- by victim, the applicant had tied legs and hands of the victim, stuffed handkerchief in her mouth and inflicted burn injuries on her private part with hot steel utensil and hot iron. It is alleged that on earlier occasions also, the applicant has harassed, ill-treated and beaten up the victim.

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3. It is contention of learned counsel for the applicant that the applicant is a lady. She is behind bar for 4 years and 6 months. She is in jail with her 7 year old daughter. There is no progress in the trial. Considering the allegations against the applicant, she be released on bail.

4. It is contention of learned APP along with learned counsel for respondent No.2 that victim girl was 7 year old and she was staying with the applicant. The applicant inflicted burn injuries on the victim girl because she ate chocolate of Rs.10/-. Learned APP further submitted that the cruel treatment given by the applicant to the 7 year old child is proved through medical evidence. The applicant has attempted to kill the victim. The applicant was aware that the victim is minor, in spite of that, she has inflicted burn injuries on her. If she is released on bail, she may threaten victim and the prosecution witnesses. Hence, requested to reject the application.

5. I have heard all learned counsel, perused the charge-sheet.

6. The allegations against the applicant are that she inflicted burn injuries on the private part and thigh of the victim as the victim spent Rs.10/- for buying chocolate, which was supposed to be used for buying food articles. The applicant has been charged under Section 307 of IPC and relevant sections of POCSO Act and Juvenile Justice Act.

7. The applicant is behind bar for more than 4 years and 6 months, yet there is no progress in the trial. She is in jail with her 7 year

old daughter. Considering the incarceration period of the applicant, her further detention is not required and I pass following order :

ORDER

- (i) The applicant be enlarged on bail in Crime No.1371 of 2020 registered with Malwani Police Station, on executing P.R.Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (ii) The applicant shall attend the concerned police station once in a month i.e. on first Monday between 11.00 a.m. to 3.00 p.m. till conclusion of trial.
- (iii) The applicant shall inform her latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.
- (iv) The applicant shall not tamper with the evidence or attempt to influence or contact the victim, complainant, witnesses or any person concerned with the case.

The application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)