

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.6248 OF 2015

Rupali w/o Datta Shirsath,
Age 32 years, Occu. Service,
R/o Sathbhai Lane,
Topkhana, Taluka and
District Ahmednagar

..Applicant

Versus

The State of Maharashtra,
through Police Station Officer,
Sangamner City Police Station,
Taluka Sangamner City,
District Ahmednagar

..Respondent

Mr N.V. Gaware, Advocate for petitioner
Mr V.H. Dighe, A.P.P. for respondent

**CORAM : N.W. SAMBRE, J.
DATE : 22nd December 2015**

PER COURT

Heard learned Counsel for the applicant and learned A.P.P.

2. The applicant is seeking pre-arrest bail in Crime No.164 of 2014, registered on 2nd August 2014, for the incidents dated 6th October 2011 to 14th February 2012, at Sangamner City Police Station, District Ahmednagar, for the offence punishable under Section 420 read with Sec.34 of the Indian Penal Code.

3. It is the case of the prosecution that the applicant, a member of syndicate was instrumental in demanding the amount by promising to give government service to the complainant and as such, the complaint was lodged.

4. Learned Counsel for the applicant submits that even perusal of contents of F.I.R. depicts that there is no specific role attributed to the applicant and the applicant voluntarily participated in the commission of crime in question. He further submits that the delayed lodging of F.I.R.

and the order passed by the learned Magistrate under Section 156 (3) of the Cr.P.C. is formed to be the basis for initiation of criminal case against the applicant.

5. Learned A.P.P. would urge that the custodial interrogation of the applicant is necessary, as she is wife of main accused and by keeping mum, when the discussion about the promise to give government service to the complainant, has consented for as such, she has participated in the commission of crime. According to him, for the above referred reason the custodial interrogation for recovery of the amount and for seeking details about commission of such crime is necessary.

6. Having bestowed my anxious thoughts to the submissions made, it is noted that the incident in question took place some three years back. The nature of allegations in the F.I.R. prima facie does not depict the direct involvement of the applicant in the crime in question. Apart from above, in my opinion, the applicant being a lady is entitled for appropriate consideration pursuant to the proviso to Section 437 of the Cr.P.C.

7. As such, in the event of her arrest in Crime No. 164 of 2014, registered at Sangamner City Police Station, District Ahmednagar, for the offence punishable under Section 420 read with Sec.34 of the Indian Penal Code, be released on bail, upon furnishing P.R. Bond of Rs.25,000/- with one surety in the like amount.

8. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)