

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1137 OF 2016

Sow. Asha W/o Ananda Chothe,
Age – 24 years, Occu. – Housewife,
R/o Manyarkheda, Tal – Bhusaval,
Dist. Jalgaon .. Applicant

Vs.

The State of Maharashtra
Through Police Inspector,
Police Station, Varangaon,
Tal. Bhusaval, Dist. Jalgaon .. Respondent

Mr. V.P. Kadam, Advocate for the applicant
Mr. A.S. Shinde, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.
DATE : 17/03/2016

ORAL ORDER :

Heard both sides.

2. The present applicant, who is apprehending arrest at the hands of Varangaon Police Station, Tq. Bhusawal, Dist. Jalgaon in crime no. 09 of 2016 for the offences punishable under section 307, 326, 504, 506(2) of the Indian Penal Code, is praying for her release on bail, in the event of her arrest.

3. Hearing from both sides as well as the case

papers would show that on 06/12/2015 a FIR was filed by the present applicant with the same Police station, on the basis of which crime no. 84 of 2015 was registered against the complainant in the present case. According to her, on 05/12/2015 at about 8.00 pm in the night, the complainant in the present case, had, on the point of knife, forced her to have sexual intercourse. At that time, he put the knife by his side. Therefore, the present applicant assaulted the private part of the complainant in the present case, by the very same knife and she ran away.

4. After this FIR dated 06/12/2015, the present FIR came to be filed by the present complainant on 02/02/2016. In the said complaint, he alleged that in fact he had illicit relations with the present applicant. As husband of the present applicant knew about the same, finding both of them in compromising position, the husband of the present applicant had assaulted him with a knife and, thereafter, forcibly took away the present applicant by beating her. Therefore, the crime came to be registered.

5. Upon hearing both sides, it would be clear that so far as the present applicant is concerned, there are no allegations that she joined in the crime in the present crime. It appears that she has been unnecessarily joined in the complaint. In-fact, it appears that it is a case of no offence made out against the present applicant. In the circumstances, the following order:-

6. Interim protection granted to the applicant by this Court vide order dated 24th February, 2016 is hereby made absolute on the same terms and conditions.

7. Application stands disposed of accordingly.

[M.T. JOSHI]
JUDGE

arp/