

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

CRIMINAL APPLICATION NO. 3352 OF 2016

1. Priyanka w/o Sahadeo Jadhav,

2. Sahadeo s/o Bhikaji Jadhav,

Both R/o. Sakur, Tq. Sangamner,
District Ahmednagar.

...Applicants

versus

The State of Maharashtra
Through City Police Station, Sangamner,
Tq. Sangamner, Dist. Ahmednagar.

...Respondent

WITH

**CRIMINAL APPLICATION NO. 3500 OF 2016
IN
CRIMINAL APPLICATION NO. 3352 OF 2016**

Prashant s/o Nivrutti Pansare,
R/o. Ghulewadi, Taluka Sangamner,
District Ahmednagar.

...Applicant

versus

Priyanka w/o Sahadeo Jadhav & ors.

...Respondents

.....
Mr. Saschin S. Deshmukh, Advocate for applicants
Mr. S.D. Ghayal, A.P.P. for respondent/State
Mr. K.N. Shermale, Advocate to assist A.P.P.
.....

CORAM : N.W. SAMBRE, J.

DATE : 29th JUNE, 2016

ORAL ORDER :

For the reasons stated in Criminal Application No. 3500

of 2016 seeking permission to assist prosecution, same stands allowed.

2. The applicants are seeking pre-arrest bail in Crime No. 83 of 2014 registered on 26/04/2014 with Sangamner City Police Station, Taluka Sangamner, District Ahmednagar, for an offence punishable under Sections 420, 406 read with Section 34 of the Indian Penal Code.

3. Applicant Nos. 1 and 2 are wife and husband.

4. Applicant No.1 Priyanka claimed to be office bearer of the trust with whom there was some vacancy, in which, the complainant was interested. So as to get appointed on the said post in the trust, it is claimed by the complainant that though he has parted substantial amount to the tune of Rs.8,00,000/- to the applicants, still he was not given appointment order. As such, crime in question came to be registered.

5. Mr. Deshmukh, learned Counsel for the applicants, upon instructions, submits that he is not pressing application at the behest of applicant No. 2 Sahadeo s/o Bhikaji Jadhav. As such, the application of applicant No.2 Sahadeo s/o Bhikaji stands dismissed,

as not pressed.

6. So far as applicant No.1 Priyanka w/o Sahadeo Jadhav is concerned, in my opinion, there is no direct evidence available so as to connect her to the crime in question, warranting her custodial interrogation. Just because, she is trustee of the trust, where the complainant was claiming employment, does not *ipso facto* entitled for her custodial interrogation. The settlement between complainant and one Sandip as regards refund of amount is also required to be taken note of.

7. In view of above, in my opinion, the applicants are entitled for protection. Hence, the following order :-

(i) In the event of arrest, applicant No. 1 Priyanka w/o Sahadeo Jadhav be released on bail, in connection with Crime No. 83 of 2014 registered with Sangamner City Police Station, Taluka Sangamner, District Ahmednagar, for an offence punishable under Sections 420, 406 read with Section 34 of the Indian Penal Code, upon furnishing P.R. bond of Rs.15,000/- with one surety in the like amount.

(ii) Applicant No.1 Priyanka w/o Sahadeo Jadhav shall

attend the concerned police station on 3rd and 4th July, 2016 between 10-00 a.m. to 12-00 noon and thereafter as and when called by the Investigating Officer.

(iii) She shall not tamper with the prosecution evidence or influence the witnesses.

8. Criminal Application No. 3352 of 2016 stands allowed in above terms.

[N.W. SAMBRE, J.]

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