

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

Criminal Application No. 3953 of 2016

District : Ahmednagar

Pinty @ Rekha Aadik Kale,
Age : 40 years,
Occupation : Household &
Agriculture,
R/o. Mhasne,
Taluka : Parner,
District : Ahmednagar.

.. Applicant.

versus

The State of Maharashtra.

.. Respondent.

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Mr. Anil M. Gaikwad, Advocate, for the applicant.

*Mr. A.S. Shinde, Addl. Public Prosecutor, for
the respondent.*

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CORAM : A.M. BADAR, J.

DATE : 20TH AUGUST 2016

ORAL ORDER:

The applicant / accused, in Crime No. I-76/2016, for offences punishable under Sections 395 and 420 of the Indian Penal Code, registered at Belwandi Police Station, Taluka Shrigonda, District Ahmednagar, by this application, is praying for releasing her on bail.

2. Heard the learned Counsel for the applicant / accused. He argued that the applicant is a woman having place of permanent abode and there is no possibility of she fleeing from the course of justice. The learned Counsel further argued that the investigation qua the present applicant is already over and, therefore, further pre-trial detention of the applicant is not warranted.

3. The learned Addl. Public Prosecutor opposed the application by contending that, as yet, six accused persons are still absconding and, therefore, the applicant cannot be released on bail.

4. Perused papers of investigation including the FIR lodged by Gulab Daulat Mali.

5. According to the prosecution case, one Manesh had represented informant Gulab Mali, that 1 Kg. gold is available for sale at a very low price. Acting on representation of Manesh, on 13.06.2016, informant Gulab Mali, his relative Manesh Mahale and friend Santosh Shelke left Nasik on 13.06.2016 with an amount of Rs. 8,50,000/- for purchasing 1 Kg. gold. At Medhwadgaon bifurcation, they met accused Manesh. By taking him in car, they all proceeded further. Accused Manesh asked informant Gulab Mali to stop the car in Hagewadi Shivar. There accused

Manesh signaled his associates. Thereafter, 15 male accused and one female accused rushed towards car, armed with axes, Koyatas and sticks. By assaulting the informant and his friends, accused persons robbed them of cash and valuables amounting to Rs. 8,77,000/-. The applicant came to be arrested and she is identified by witnesses in the test identification parade. However, nothing came to be recovered from the present applicant.

6. From the documents annexed to the application, it is seen that the applicant is permanent resident of village Mhasne in Parner Taluka of Ahmednagar District. Documents, such as, residence certificate, ration card, Aadhar card and 7/12 extract goes to show that the applicant is having deep roots in the society and she is not likely to flee from the course of justice. She is a woman and considering the nature of evidence against her, her pre-trial detention is not warranted.

7. Hence, the following order :-

(a) The application is allowed.

(b) The applicant / accused, in the above crime, be released on bail on her furnishing P.R. Bond in the sum of Rs. 15,000/- and one or more solvent sureties of the like amount.

(c) The applicant / accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him / her from disclosing such facts either to the Court or to any police officer and that he shall not tamper with the evidence.

(d) The applicant / accused shall cooperate for expeditious disposal of the trial.

(e) The applicant shall not repeat commission of similar type of offences in future.

8. The Application stands disposed of in the aforesaid terms.

(A.M. BADAR)
JUDGE

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