

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

Criminal Application No. 5071 of 2016

District : Nanded

Shweta w/o. Sushil Waghmare @
Amita d/o. Ratanlal Dargad,
Age : 28 years,
Occupation : Household,
R/o. Shobhanagar,
Taluka & District : Nanded. .. Applicant.

versus

The State of Maharashtra,
Through Hadgaon Police Station,
Taluka : Hadgaon,
District : Nanded. .. Respondent.

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Mr. M.V. Ghatge, Advocate, for the applicant.

Mrs. V.N. Patil (Jadhav), Advocate, for the respondent.

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CORAM : A.M. BADAR, J.

DATE : 27TH SEPTEMBER 2016

ORAL ORDER:

The applicant / accused in Crime No. 253/2016 registered with Police Station, Hadgaon, District Nanded, for offences punishable under Sections 406, 420, 468, 471, 506, read with Section 34 of the Indian Penal Code, by this application, is

praying for pre-arrest bail.

2. Heard the learned Counsel appearing for the applicant / accused. He argued that the applicant / accused is the wife of main accused Sushil Waghmare. The learned Counsel further argued that the applicant is falsely implicated in the crime in question only because she is wife of the main accused. The learned Counsel further argued that there is no iota of evidence against the present applicant to demonstrate that she either indulged in cheating or committed any criminal breach of trust.

3. The learned Addl. Public Prosecutor opposed the application by contending that forged appointment order was handed over to the informant after receipt of Rs. 5,00,000/- from him. The learned Addl. Public Prosecutor further argued that thereafter a cheque for Rs. 5,00,000/- was issued by the main accused to the informant which was subsequently bounced.

4. Perused papers of investigation including the FIR lodged by informant Santosh s/o. Madhukar Narwade. According to the prosecution case, main accused Sushil Waghmare assured the informant to provide public employment on payment of Rs. 9,00,000/- to him. Accordingly from time to time that much amount was paid. However, instead of providing the employment in Government office, forged

appointment order was handed over to him by accused persons. After detection of this fact, main accused Sushil Waghmare gave a cheque of Rs. 5,00,000/- to the informant towards part payment of amount received by him. That cheque was also bounced. Thereafter the FIR in question came to be lodged by the informant.

5. Perusal of the FIR goes to show that there is passing reference to the name of the present applicant, she being wife of main accused Sushil Waghmare. It is not averred that any amount was deposited with her by the informant nor there are averments that she promised the informant to provide public employment to him on receipt of money.

6. Considering the role attributed to the present applicant in the crime in question, her custodial interrogation is not warranted.

7. Hence, I pass the following order :-

(a) The Application is allowed.

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

(c) As conditions of this order, the applicant shall abide by the following directions :-

(i) The applicant shall attend the concerned Police Station on 8th October 2016 in between 11.00 a.m. and 01.00 p.m. and thereafter as and when reasonably called by the Investigating Officer during day hours for the purpose of investigation. The applicant shall cooperate the Investigation Officer in investigation of the crime in question.

(ii) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.

(iii) The applicant shall not tamper with the prosecution evidence in any manner and shall cooperate the learned trial Judge in expeditious disposal of the trial, in the event of filing charge-sheet, if any, in future against her.

(iv) 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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puranik / AMBJSj