

(1)

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

CRIMINAL APPLICATION NO. 6077 OF 2016

Savita w/o Udhav Shinde,
Age: 48 years, Occu: Tailoring
and Household, R/o: Narayan Nagar,
Latur, Taluka and District Latur

..APPLICANT

VERSUS

1. The State of Maharashtra,
through the Deputy Superintendent
of Police, Anti Corruption Bureau
Nanded

2. The Superintendent of Police,
Nanded

..RESPONDENTS

Mr Rajendra S. Deshmukh, Advocate for applicant;
Mr R. V. Dasalkar, Addl. Public Prosecutor for respondents

CORAM : A.S. CHANDURKAR, J

DATE : 8th December, 2016

ORAL ORDER :

The applicant who is a wife of one Udhav Shinde apprehends arrest in Crime No. 64 of 2016 registered at Biloli Police Station, Taluka Biloli, District Nanded for offences punishable under Sections 13(1)(e) read with Section 13(2) of the Prevention of Corruption Act, 1988 and under Section 109 of the Indian Penal Code.

(2)

2. As per the first information report, the present applicant is treated as co-accused with the allegations that her husband who was serving in the police department was found in possession of wealth disproportionate to his known source of income. In the said report, details of various properties held by main accused and the present applicant have been stated.

3. It is submitted by the learned Counsel for the applicant that she is an income tax payer since many years and it was therefore possible for her to purchase certain properties through her income. It is further submitted that since financial year 2010-11, she has been paying taxes and she has independent source of income. It is further submitted that considering the fact that the applicant is a lady and entire material is documentary in nature, her custodial interrogation is not necessary.

4. The application is opposed by the learned Addl. Public Prosecutor by relying upon police papers. It is submitted that after scrutinizing the record, it has been found that present applicant had various properties in her name. Considering gravity of the offence, the application deserves to be rejected.

(3)

5. Perused the first information report as well as police papers. The allegations with regard to financial assets disproportionate to the source of income are with relation to husband of the applicant. Insofar as present applicant is concerned, she has been tax payer since year 2010-11. In her tax returns, source of her income has been disclosed.

6. Considering the nature of allegations against the present applicant and as the relevant material is in the form of sale deeds and other documents of title, I have not find that her custodial interrogation is warranted. She can be directed to assist in the prosecution.

7. In view of aforesaid, in the event of applicant's arrest in Crime No. 64 of 2016 registered at Biloli Police Station, Taluka Biloli, District Nanded for offences punishable under Sections 13(1)(e) read with Section 13(2) of the Prevention of Corruption Act, 1988 and under Section 109 of the Indian Penal Code, she shall be released on bail on furnishing P.R. Bond of Rs. 20,000/- with one surety in like amount.

The applicant shall attend the concerned police station as per the directions of the Investigating Officer.

(4)

No steps shall be taken to tamper with the material collected by the prosecution.

Observations made in this order are only for deciding the application for bail. Same stands allowed and disposed of.

**[A.S. CHANDURKAR]
JUDGE**

sjk