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

CRIMINAL APPLICATION NO.6290 OF 2015

Mangala w/o Bhimrao Ahire

..APPLICANT

VERSUS

The State of Maharashtra & anr.

..RESPONDENTS

Mr K.C. Sant, Advocate for applicant;
Mr S.J. Salgare, Addl. Public Prosecutor for respondents;
Mr S.D. Kotkar, Advocate to assist Addl. Public Prosecutor

CORAM : N.W. SAMBRE, J.

DATE : 28th January, 2016

ORDER :

By the present application under section 438 of the Code of Criminal Procedure, the applicant seeks her release on pre-arrest bail, in connection with C.R. No.21 of 2015, registered with Chalisgaon Police Station (Rural), District Jalgaon, for offences punishable under sections 307, 447, 506 of the Indian Penal Code.

2. The prosecution case is that the complainant Sunanda, claiming to be the trustee of Gautam Magasvargiya Educational Institution, who claims to be trustee as her name is entered in Schedule A of the said trust, under the Bombay Public Trusts Act, was attacked by the present applicant, when she tried to obstruct the applicant from entering into the premises of the educational institution, where she was earlier working as Head Mistress.

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3. While trying to make out a case for grant of pre-arrest bail, Mr Sant, learned Counsel appearing on behalf of the applicant, would urge that at the behest of the present applicant, C.R. No.25 of 2015, has been registered against the complainant, for offences punishable under sections 143, 147, 148, 149, 323, 354-A, 395, 294 and 506 of the Indian Penal Code, with Chalisgaon (Rural) police station on 10th September, 2015.

4. It is required to be noted here that the applicant – a woman, is sought to be arrested for the purpose of custodial interrogation, as is claimed by the learned Addl. Public Prosecutor, as the injury certificate speaks of simple injuries and for recovery of the weapon used in commission of the offence.

5. Learned Addl. Public Prosecutor was assisted by the learned Counsel appearing on behalf of the complainant, who has urged rejection of the application, for the grounds stated therein.

6. Perused the investigation papers and the nature of allegations made against the applicant.

7. In my opinion, custodial interrogation of the applicant, who is a woman, is not necessary, particularly having regard to what has been stated in the first information report and the nature of injuries suffered, as are reflected in the injury certificate issued by the Rural Hospital. It is also

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required to be noted that against the complainant C.R. No.25 of 2015 is already registered at the behest of the applicant herein.

8. In the above background, in my opinion, it will be appropriate to enlarge the applicant on pre-arrest bail. Thus, the following order :-

In the event of arrest of the applicant, in connection with C.R. No.21 of 2015, registered with Chalisgaon Police Station (Rural), District Jalgaon, for offences punishable under sections 307, 447, 506 of the Indian Penal Code, she be released on bail, on furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

The applicant shall attend the concerned police station, initially on 6th and 7th February, 2016, between 10.00 a.m. and 12 noon and thereafter as and when called by the Investigating Officer.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj