

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1373 OF 2016

Mrs. Alaka Dashrath Memane. ... Applicant.
Versus
The State of Maharashtra & ors. ... Respondents.

Mr. Rajendra D. Salve, advocate for Applicant.

Mr. R.M. Pethe, APP for State.

**CORAM : SMT. SADHANA S. JADHAV,J
DATE : AUGUST 24, 2016**

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP for State. Perused the papers.

2 This is an application under Section 438 of the Code of Criminal Procedure, 1973. The applicant herein is apprehending her arrest in in Crime No. 212 of 2016 registered at Jejuri Police Station for offence punishable under Section 498A, 307, 323, 504, 506 read with section 34 of the Indian Penal Code.

3 Perused the first information report. It prima facie appears that the allegations as far as Section 506 and 307 are concerned, are attributed to the husband of the complainant. The present applicant happens to be the mother-in-law. The complainant had made a complaint to the Women Welfare Cell, Pune Rural and thereafter, her husband had treated her well for 2 months only. The only allegation against the present applicant is that she used to abuse the complainant. In her complaint before the Women Welfare Cell, there was no allegation against the present applicant. In the facts of the case, it is clear that custodial interrogation is not imperative. Hence, the applicant deserves to be protected.

4 However, it is made clear that the observations made herein above are prima facie in nature and are restricted to the application under section 438 of the Code of Criminal Procedure, 1973. The learned Sessions Judge shall not be influenced by the same at the time of deciding application for discharge or for quashing of FIR or at

the time of trial. The same shall be decided on its own merits in accordance with law.

5 Hence, following order is passed.

ORDER

- (i) In the event of arrest in Crime No. 212/2016, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- and one or two sureties in the like amount.
- (ii) The applicant shall report to the police station as and when called.
- (iii) The applicant shall not tamper with the evidence.
- (iv) The applicant shall furnish her address and contact number to the concerned Investigating Officer.

6 The application stands disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)