

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2074 OF 2016

Manisha Bhimrao Dhane	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. V.V.Purwant i/b. Mr. Vikrant V. Phatake, Advocate for the applicant.
Mr. S.H.Yadav, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 1st December, 2016.

P.C.

Heard. This is an application under Section 438 of Cr.P.C. The applicant is apprehending her arrest in Crime No.534 of 2016 registered at Sadar Bazar Police Station, Solapur for the offences punishable under Sections 354, 504, 506 read with Section 34 of the Indian Penal Code.

2. It is the case of the prosecution that one Kiran was stalking Ms. X. It is alleged that he was insisting upon her to marry him. She was studying in Shivaji Maratha Mandir in 12th Std. and was pursuing a course in M.L.T. (Medical Laboratory Technician).

3. It is the case of the prosecution that on 27.10.2016, Ms. X lodged a report the police station alleging therein that on 25.10.2016, she was to appear for her practical paper in Anatomy. When she was crossing the road, on the way, an unknown lady had confronted her. She had introduced herself. Thereafter, she was being tried to be abducted only to see that she gets married to Kiran. According to the first informant, her mother had accompanied her and with the help of her mother, she rescued herself when Kiran was about to coerced her to accompany him on his motor cycle. It appears that there is a reference to an unknown lady in the first information report. That the police had apprehended the present applicant. In the course of investigation, the police had recorded the statement of mother of the first informant and she has stated in her statement that the present applicant happens to be the first cousin of accused No.1 – Kiran.

4. The learned APP submits that custodial interrogation is necessary since there is a reference to an unknown woman.

5. Upon perusal of the statement of the mother, it is clear that the applicant is known to the victim as well as her mother and test

identification parade would not be necessary. In any case, Section 354 of the IPC is not attracted as against the present applicant. In view of this, the applicant deserves to be granted pre-arrest bail.

6. The observations are restricted to an application under Section 438 of Cr.P.C. and shall not be considered for the purpose of quashing of FIR, discharge application or at the time of trial.

ORDER

- (i) The application is allowed.
- (ii) In the event of her arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount.
- (iii) The applicant shall report to the concerned police station as and when called.

Application stands disposed of.

(SMT. SADHANA S.JADHAV, J.)