

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2100 OF 2016

Vijaya Santosh Londhe	Applicant
V/s.	
The State of Maharashtra	Respondent

WITH
CRIMINAL APPLICATION NO. 1049 OF 2016
IN
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2100 OF 2016

Jyotiram Digambar Londhe	Intervener
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IN THE MATTER BETWEEN

Vijaya Santosh Londhe	Applicant
V/s.	
The State of Maharashtra	Respondent

Mr. Aniket U. Nikam i/b Mr. Aashish Satpute Advocate for the Applicant.
None for the Intervener.
Mr. R. M. Pethe APP for the State.
Mr. R. M. Shaikh, Havildar, Madha Police Station.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 19th DECEMBER, 2016.

PC :

1) Heard. This is an application under section 438 of Code of Criminal Procedure, 1973. Applicant herein is apprehending her arrest in crime no. 56

of 2015 registered at Madha police station for offence punishable under sections 143, 147, 148, 149, 452, 307, 326, 329, 323, 504, 506 of the Indian Penal Code.

2) None appears for the intervener.

3) Applicant herein happens to be the Sarpanch of Grampanchayat Chincholi. It is the case of the prosecution that on 06/05/2016, Jotiram Londhe lodged a report at the police station alleging therein that on that day at about 10.00 a.m., 28 people entered into his house and mounted assault upon the inmates of the house on the ground that they had voted against them in the elections for the Multipurpose Co-operative Society of the village. According to the complainant, in the said incident applicant is alleged to have entered into the house of the complainant, searched the boxes and had stolen Mangalsutra weighing about 2.5 Tolas and other golden ornaments. It is not the case of the prosecution that applicant was absconding as she happens to be the Sarpanch of the village and was attending all the meetings. Basically it seems to be an incident which had taken place due to political rivalry. There are cross complaints.

4) Upon perusal of papers of investigation and the role attributed to the

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applicant, this Court is of the opinion that the applicant deserves to be granted pre-arrest bail. However, it is made clear that observations made herein above are restricted to an application under section 438 of the Code of Criminal Procedure, 1973 and shall not be considered for quashing of F.I.R., discharge application or at the time of trial.

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest, applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
- (iii) Applicant shall report to the concerned police station as and when called, after issuing notice under section 160 of the Code of Criminal Procedure, 1973.
- (iv) Application stands disposed of. Intervention Application is allowed and disposed of.

(SMT. SADHANA S. JADHAV, J.)