

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

ANTICIPATORY BAIL APPLICATION NO.155 OF 2017

Rupali Anil Waghmare @ Rupali Ganesh Kadam ... Applicant

Vs.

The State of Maharashtra

.. Respondent

Mr.Rupesh A. Zade for the Applicant

Mr.S.S. Hulke, APP, for Respondent – State

Mr.T.V. Khade, Police Constable, Baramati City police station,
present

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: JANUARY 30, 2017

P.C. :

1. This application is moved by the applicant/accused for pre-arrest bail under section 438 of Criminal Procedure Code as the applicant/accused is prosecuted for the offences punishable under sections 363, 364(A), 324 r/w section 34 of the Indian Penal Code registered at C.R. No.2 of 2017 with Baramati City Police Station, Pune on 2.1.2017 at the instance of one Abbas Haji Shaikh. It is the case of the complainant that he had borrowed Rs.20,000/- to purchase a buffallo from the applicant/accused Rupali and co-accused Anil Waghmare. According to the complainant, he has

repaid the said amount. Though he had repaid the amount, both Anil and Rupali used to demand money from him. On 2.1.2017, Rupali, the applicant/accused, informed the complainant on cellphone that she had hired co-accused Maddy Shinde and his associate to recover the money. Thereafter, immediately Maddy Shinde alongwith one person arrived at his residence. They started assaulting the complainant with iron rod when he told them he did not have money and everything is paid off. His son Salim, his mother and wife tried to intervene and save him. At that time, they all assaulted his wife, mother as well. Thereafter, Maddy took away Salim on his motor cycle and though the complainant tried to chase Maddy Shinde, he drove away on the motor cycle with Salim. Thereafter, he went to police station and gave complaint. Salim was found on the same day after some time and it was reported to the police that he was beaten up by the applicant/accused Rupali with iron rod at one isolated place.

2. The learned Counsel for the applicant/accused submitted that the applicant/accused is a woman. She has not committed any offence. She is innocent. Her father Anil Waghmare who was arrested is granted bail and therefore, she is to be protected. He

further submitted that the iron rod which was used in the assault, is seized by the police. Hence, her custodial interrogation is not required.

3. Learned Prosecutor has opposed the application. He submitted that the applicant/accused has hired the assailants and has kidnapped the minor son of the complainant and thereafter he was assaulted. He relied on the injury certificate.

4. Perused the FIR, the statement of Salim Abbas as also the injury certificate. It shows that Salim was 14 years old at the time of assault. Though all the injuries sustained by him are simple, the manner in which the minor boy Salim was kidnapped by the hirelings and kept away from his house and also the applicant/accused assaulted him with pipe, pre-arrest bail cannot be granted.

5. Anticipatory Bail Application is therefore rejected.

(MRIDULA BHATKAR, J.)