

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 602 OF 2015

Prabhavati Wadkar ... Applicant
Vs.
The State of Maharashtra & Ors. ... Respondents

Mr. Vijay Hiremath, Advocate for the applicant.
Mr. Deepak Thakery, APP for the respondent/State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **16th February, 2017.**

P.C.:

This Application is moved for cancellation of orders dated 30th July, 2015 passed by the learned Sessions Judge, Pune in Application No. 1633 of 2015 and Application No. 1785 of 2015 releasing the respondents on anticipatory bail.

2. The respondents/accused were prosecuted in C.R. No. 114 of 2015 for the offences punishable under sections 307, 143, 147, 149, 427 of the Indian Penal Code. The respondents/accused moved the applications for pre-arrest bail before the learned Sessions Court and they all were granted pre-arrest bail.

3. The learned counsel for the applicant/original complainant has submitted that after the grant of pre-arrest bail, 3 to 4 NCs were lodged by the applicant against the respondents/accused and thus, the condition of pre-arrest bail is violated. He further submitted that the applicant had

suffered many injuries when her two wheeler was dashed from rear side by the respondents/accused. Therefore, this Application is to be allowed.

4. Learned APP has relied on the report given by the police wherein the Investigating officer has mentioned that the police have filed B-Summary on 17th January, 2017 before J.M.F.C., Shivaji Nagar, Pune. He also relied on the order passed by the Division Bench of this Court in Writ Petition No. 1946 of 2015 filed by the applicant/original complainant for transfer of investigation to State CID. Learned APP has submitted that the said Writ Petition was dismissed by the Division Bench.

5. "B" Summary report is filed by the Investigating officer before the learned Magistrate. Though the learned counsel for the applicant has submitted that "B" Summary report is not accepted, however, as on today, the fact is on record that the police did not find sufficient evidence against the respondents/accused and they found that the complaint was lodged out of previous enmity. There may be 3 to 4 NCs filed by the complainant against the respondents/accused, however, in view of "B" Summary report, it cannot be confirmed that respondents/accused have tampered the prosecution evidence in any manner. Hence, Application is rejected.

(MRIDULA BHATKAR, J.)