

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 174 OF 2018

Aruna Kamalakar Sonawane.	... Applicant.
Versus	
The State of Maharashtra.	... Respondent.

Mr. Mahendra N. Sandhyanshiv, advocate for Applicant.

Mr. S.H. Yadav, APP for State.

Mr. S.B. Koli, PSI, Jaykheda Police Station, Nashik(Gramin).

**CORAM : SMT.SADHANA S. JADHAV,J
DATE : JANUARY 30, 2018**

P.C.:

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

2 This is an application under section 438 of the Code of Criminal Procedure, 1973. The applicant herein is apprehending his arrest in Crime No. 206 of 2017 registered at Jaykheda Police Station for offence punishable under section 143, 147, 148, 149, 354, 452, 395, 323, 504, 506 of the Indian Penal Code.

3 It is the case of the prosecution that Manisha Sonawane lodged a report at the police station alleging therein that on 26/11/2017 there was quarrel between her husband and herself. She was aggrieved with her husband as he has spent some money from the sale proceeds of onion. When her husband was abusing her, Manisha Bedse presumed that husband of the first informant was abusing her and therefore, started hurling abuses at the first informant. The role attributed to the present applicant is that she had intervened in the said quarrel entering into the house of the first informant alongwith other accused persons and had taken away Rs. 43,800/- which the husband of the first informant had brought after the sale proceeds of the onion.

4 It appears that the applicant is residing in the neighbourhood of the first informant Manisha Sonawande. Prima facie, it does not appear to be a case which would attract provisions of section 395 of the Indian Penal Code. The learned Counsel for the applicant submits

that the co-accused Manisha Bedse, Yogita Sonawane have been granted anticipatory bail by the Sessions Court vide order dated 13/12/2017 and hence, the applicant deserves to be protected.

5 Taking into consideration the facts of the case and submissions made across the bar, this Court is of the opinion that the applicant deserves grant of pre-arrest bail.

6 However, the observation made hereinabove are restricted to the application under section 438 of the Code of Criminal Procedure, 1973 and the trial court shall not be influenced by the same while deciding application for discharge or quashing of FIR or at the time of trial.

7 Hence, following order is passed :

ORDER

(i) The application is allowed.

(ii) In the event of arrest in Crime No. 206 of 2017 registered at Jaykheda Police Station, the applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs. 15,000/- and one or more sureties in the like amount.

(iii) The applicant shall report to the Investigating Officer as and when called and cooperate with the investigating agency to the best of her capacity.

(iv) The applicant shall not tamper with the evidence.

8 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)