

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1119 OF 2018

Pallavi Gautam Bhalerao @
Pallavi Sumeet Nirbhavane

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Mr. Niranjan Mundargi I/by R.R. Parmane for the Applicant.
Mr. N.B. Patil APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 29th NOVEMBER, 2018.

P.C.:-

By reasoned Order dated 12th June, 2018, the Applicant was granted interim relief.

2 Heard the learned counsel appearing for the Applicant and the learned APP. Perused the charge-sheet.

3 The record indicates that, on 7th September 2016, when the first informant Smt. Shadmin Zishan Pathan was admitted to the hospital, the said fact was intimated to the police and accordingly, an entry in Medico Legal Register, was effected by the concerned Head Constable, who was on duty. The said information is entered at serial

No. 1081 dated 7th September 2016 at about 5.00 p.m. and it is numbered as MLC No. 3358 of 2016. The inquiry of the said MLC was thereafter, entrusted to Head Constable No. 43, Shri. Shaikh of Dwarka Chawki Police station. The entry in column No. 11 mentions that, the concerned Head constable recorded the statement of the informant/patient and she stated that she did not had any grievance against anybody and she did not lodged the Complaint.

4 As noted in Order dated 12th June, 2018, there is a delay of 1 and ½ years in lodging the present crime, without there being any plausible explanation for the same. The co-accused namely Mr. Kiran Gangurde i.e. the alleged brother of the Applicant has already been arrested by police and released on regular bail by the concerned Court. The snake, which was used by Mr. Kiran Gangurde, in the present crime was caught by the Police from the residential premises of the complainant on 7th September 2016 itself.

5 In view of the above, and after taking into consideration, the peculiar facts and circumstances of the present case, this Court is of the considered view that, the custodial interrogation of the Applicant for further investigation of the present crime is not necessary.

Interim relief granted by an Order dated 12th June, 2018 is hereby confirmed. However, the condition to report the concerned police station/Investigating Officer is waived.

6 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)