

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application [ABA] No.90 of 2018

Sau. Swati w/o Nagesh Wankhade

vs.

State of Maharashtra, through P.S.O. Asegaon Purna, Tah. Chandur Bazar, Dist. Amravati

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri D.S. Khushalani, Advocate for the Applicant.
Ms. Ritu Kalia, A.P.P. for the Non-Applicant/State.

CORAM : S.B. SHUKRE, J.
DATE : 9th MARCH, 2018.

Heard.

Perused the F.I.R. and the reply of the prosecution.

It appears that the custodial interrogation of the applicant has been thought to be necessary by the Investigating Officer as she was one of the persons, who had accompanied Pavan and Amit, the other co-accused, on 26/08/2017, when the baby's custody was handed over to Pavan. Apparently, the applicant has not given any explanation about the allegation except for taking a stand that she was present at Nashik at that time. However, there are no circumstances appearing on record to even remotely suggest that there was a possibility of the applicant being in Nashik at the relevant time. So, I find substance in the submission of the prosecution that the custodial interrogation of the applicant would be very much necessary and that would mean that this application would

have to be rejected.

At this stage, the learned Counsel for the applicant has pointed out to me a document at Page No.23, which is a photostat copy of the original certificate. This document shows that the applicant was in 7th month of pregnancy on the date of issuance of the certificate, which is of 9th February, 2018.

Today, she must have entered 8th month of the pregnancy. The learned Counsel for the applicant submits that the applicant would surrender herself to the custody of the concerned police station as soon as the applicant gets out of her pregnancy and delivery phase.

Considering the fact that the applicant is a woman and in the advanced stage of pregnancy, I am of the view that some leniency would have to be shown to the applicant and accordingly the applicant can be granted anticipatory bail till the end of May, 2018 on the condition that in between 1st June and 7th June, 2018, the applicant shall surrender herself before the concerned Police Station. The learned Counsel for the applicant also assures, on instructions, that the applicant shall abide by the order of the Court, if it is passed on these lines.

Accordingly, this application is allowed for a temporary period of time and it is directed that in the event of arrest of the applicant in Crime No.25/2018, the applicant shall be temporarily released on bail till she surrenders herself before the concerned Police Station any time between 1st June and 7th June, 2018 and on her such surrender, the applicant shall be taken into custody and dealt with in accordance with law. Meanwhile, the applicant shall not tamper with the prosecution evidence.

The application is disposed of accordingly.

JUDGE

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