

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

CRIMINAL APPLICATION (ABA) NO.697 OF 2018

(CHAYA DEVANAND SABALE....VS.. STATE OF MAH. THR. PSO PS RISOD, WASHIM.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M.N.Ali, Advocate for Applicant.
Shri V.P.Gangane, A.P.P. for Non-applicant/State.

CORAM : Z.A.HAQ, J.

DATED : OCTOBER 03, 2018.

Apprehending arrest in connection with Crime No. 80 of 2018, registered by the Non-applicant against 8 accused (including the applicant) for the offences punishable under Sections 302, 326, 324, 323, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code, the applicant seeks pre-arrest bail.

Charge-sheet is filed on 5th July, 2018 and its copy is placed on record by the accused. A copy of the say, which was filed by the Investigating Agency before the Sessions Court to oppose the application filed by the accused seeking pre-arrest bail, is also placed on record. Therefore, the application is taken up for hearing.

According to the Investigating Agency, the informant had sold his horse to Namdeo Maroti Sable, some part-payment was made and then the dispute arose about the payment of balance amount and Parmeshwar (younger brother of the informant) had gone to the village on 9th April 2018 to collect the balance amount, but the accused abused

him and assaulted him. According to the Investigating Agency, the accused party had gone to the house of Smt. Dwarkabai (deceased) and attacked the inmates. The Investigating Agency alleges that the present applicant was member of the attacking party.

The application is opposed on the ground that two co-accused (relatives of the applicant) are absconding and their whereabouts are required to be traced out and for that custody of the applicant is required. The Investigating Agency further contends that if the applicant is granted pre-arrest bail she may pressurize the witnesses.

The applicant (woman), aged about 21 years, claims that she has to take care of three year old son and another child who is 3 month old. The applicant has submitted that any other crime/ offence is not registered against her.

As recorded earlier, charge-sheet is already filed. The Investigating Agency has not been able to point out that custody of the applicant is required for further investigation.

In the facts of the case, the following order is passed :

In the event of arrest in connection with Crime No.80 of 2018, registered by the non-applicant, the applicant be released on bail on furnishing cash security of Rs.Forty Thousand and two solvent sureties for Rs.Twenty Thousand each.

The applicant shall furnish the cash security within one week, failing which this order will not become operative and the non-applicant shall proceed further in the matter.

The application is **allowed** in the above terms.

JUDGE

RRaut..