

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

BAIL APPLICATION NO.768 OF 2019

Menaka Shivraj Rathod

...Applicant

Vs.

State of Maharashtra

...Respondent

Mr. V. V. Purwant, for the applicant.

Smt. A. A. Takalkar, for the State.

CORAM : SARANG V. KOTWAL, J.

DATE : JUNE 26, 2019

P.C.:

1. The applicant is seeking regular bail in connection with C.R. No.347/2018 registered with Vijaypur Naka Police Station, Solapur under Section 364-A, 342, 324, 327, 143, 147, 148, 504, 506 r/w. 149 of IPC.

2. The FIR is lodged by victim himself on 4/7/2018. According to him, one Shivraj Rathod i.e. the husband of the present applicant had called the first informant on 3/7/2018 and asked the informant to meet him. On the next date, at about 8.30 a.m. three persons came on a motorcycle. He was knowing them as Ravi Jadhav, Deepak Rathod and Sanjay Pawar. They forced him to come with them. They did not listen to the pleadings of the first informant. Ravi Jadhav

forcibly kept the informant on his motorcycle and Sanjay Pawar sat behind him. All of them proceeded towards market. The victim was transferred to Scorpio jeep and thereafter was taken to the applicant's house. It is the case of the informant that inside the house he was assaulted and threatened by the applicant and her husband. The applicant's husband blamed him because the informant had canvassed for one Dilip Mane's sister and the applicant had lost the election. During the election, the applicant and her husband had lost Rs.20 Lakhs and therefore the applicant was asked to pay Rs.10 Lakhs. The husband of the applicant demanded extortion money from him. Accused Ravi Jadhav took away a golden chain belonging to the informant. Thereafter, the informant was left near Nutan Prashala. The informant called his brother and thereafter the police came there. He went to the Police Station and lodged his FIR.

3. Heard Mr. Purwant, Ld. Counsel for the applicant and Smt. A. A. Takalkar, Ld. APP for the State.

4. Mr. Purwant submitted that the applicant is falsely implicated. He further pointed out that co-accused Ravi Jadhav and Deepak Rathod are already granted bail. He submitted that the role of

the applicant in the entire episode is very minor. He further relied on some photographs and CCTV footage. Those photographs are not annexed to the application.

5. Since the Ld. Counsel for the applicant was heavily relying on these CCTV footage photographs, on the last occasion I had asked the Ld. APP to take instructions in respect of those photographs. Today, the Ld. APP pointed out that the applicant had made an application before the Investigating Officer mentioning therein that during the course of hearing, this Court had orally directed the applicant to handover the CCTV footage photographs to the Investigating Officer and with that application he had tendered those photographs to the Investigating Officer. Since there is no written order passed in that behalf, the applicant should not have made such application quoting some oral order of this Court. I clarify that such oral orders are never passed by this Court. I had only asked the Ld. APP to take instructions in respect of those photographs. This application made by the applicant therefore has no legal sanctity. It is rather unfortunate that such applications are made before the Investigating Agency quoting some oral order of the Court. If Court wants to issue directions, that can be done through written orders passed in the matter.

6. In any case, Ld. APP points out that the CCTV footage is not available and therefore nothing can be done in respect of these photographs. The photographs produced by the applicant are taken on record and are marked 'X' for identification collectively. The photographs are not very clear. The face of the person is not clearly seen. A copy of the application given by the applicant to the Investigating Officer is taken on record and marked 'Y' for identification.

7. Ld. APP points out that the motive for commission of this offence is applicant herself losing the election and putting the blame on the applicant. The investigation in this matter is already over. The applicant is arrested on 16/1/2019 and since then she is in custody. The chargesheet is already filed. Her role in the entire incident appears to be minor. Though, she is alleged to have assaulted the victim, the injuries suffered by the victim are minor. The entire incident appears to have been engineered by her husband. The main accused who had actually abducted the victim and had later on dropped him on the street i.e. Ravi and Deepak are already granted bail. In this view of the matter, the applicant can also be granted bail. Hence, the following order.

ORDER

1. In connection with C.R. No.347/2018 registered with Vijaypur Naka Police Station, Solapur the applicant is directed to be released on bail on her executing P. R. Bond of Rs.25,000/- with one or two sureties in the like amount.
2. The application is disposed of.

(SARANG V. KOTWAL, J.)