

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1746 OF 2019**

Suman Nirgun Bodke

... Applicant

Versus

The State of Maharashtra

... Respondent

- Mr. A.P.Mundargi Senior advocate I/b Mr. Abhijit M. Adagule for the Applicant
- Smt. J.S. Lohokare, APP for the State/Respondent.
- Mr. Tangade PI Crime Branch, Pimpri Chinchwad present.

**CORAM :- SARANG V. KOTWAL, J.
DATE :- 5th September, 2019**

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No. 600/2019 registered at Talegaon Dabhade Police Station, Pune on 30/6/2019 under Sections 302, 143, 147, 148, 149, 120(B), 201 of I.P.C. Subsequently, on 16/07/2019, Sections 120B and 201 of IPC are also applied in this case.

2. The FIR is lodged by PSI Vaibhav Sonawane. He

has stated in the FIR that he was conducting inquiry under sec. 174 of Cr.P.C. in respect of death of one Akshay Yadav. While conducting the inquiry, Police came to know that the witnesses and relatives of the deceased had not given correct information in respect of the incident. The police officers who were conducting inquiry were suspicious and called relatives of the deceased Akshay Yadav to the Police Station on 29/06/2019. Those relatives of the deceased attended the Police Station and informed that on 30/03/2019 the deceased was assaulted brutally by one Kiran Bodke. The deceased was assaulted with stone on his head by said Kiran. The deceased, also bit Kiran Bodke on his left hand. At that time, other 4 to 5 persons namely Ketan, Narendra, Nikhil Bodke, Omkar Bodke and Sonya Bodke joined Kiran and assaulted the deceased with stones and kicks and fist blows. After some time, he was removed to hospital in ambulance. On 05/04/2019 he succumbed to the injuries.

3. Before lodging of this FIR, the present applicant had lodged FIR on 30/03/2019 at Talegaon Dabhade Police station under sec. 393 r/w 34 of IPC. The present applicant is mother of Kiran. She has stated in her FIR that on 30/03/2019 at about 2.00p.m. two unknown persons entered her house and tried to snatch her mangalsutra. Applicant raised shouts and sought help, her son Kiran and Kiran's wife as well as others came there. It was her case in the FIR that one of the persons was apprehended by the people who had gathered there. Other person ran away. The person who was apprehended also tried to run away. The crowd tried to catch him and he suffered injuries to his chin and eye. Thereafter somebody from the crowd called ambulance and took him to hospital. It was her case that the person who was taken to the hospital was none other than the deceased Akshay Yadav in this case.

4. The prosecution case is that the applicant had tried to mislead the police and tried to protect her son.

Therefore a report was sent by Sr. Police Inspector, Crime Branch, Unit No. 1, Pimpri, Chinchwad to Judicial Magistrate, Wadgaon, Maval, District Pune on 16/07/2019 mentioning therein that the applicant with Kiran and others entered into conspiracy and gave false information regarding the actual incident. Sections 120B and 201 of IPC were added.

5. Heard Shri Mundargi, the Ld. Senior Counsel for the applicant and APP Smt. Lohokare, for the State.

6. Shri Mundargi submitted that even as per the allegations in the entire prosecution case, the present applicant has not taken part in assaulting the deceased. Therefore offence punishable under Section 302 of IPC is not attracted against her. He submitted that at the highest the only offence which can be attracted against her is one under sec. 201 of IPC and for this custodial interrogation is not necessary; particularly when the offence is bailable.

7. Learned APP submitted that apart from Section 201, Section 120B is added to the offence.

8. I have considered all these submissions. Ld. APP clearly submitted on instructions of Investigating Officer that apart from lodging false FIR there is no material to show that applicant had entered into conspiracy with her son when her son committed offence of murder. The offence punishable under sec. 201 of IPC is bailable. Therefore her further custodial interrogation is not necessary. The false FIR lodged by applicant is the act which definitely falls within the meaning of Sections 201 of IPC. The applicant can be protected by an order of anticipatory bail. Hence, the following order.

ORDER

1. In the event of her arrest in connection with C.R.No. 600/2019 registered at Talegaon Dabhade Police Station, Pune the Applicant be released on bail on her executing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in

the like amount.

2. The applicant shall attend Talegaon Dabhade Police Station, Pune as and when called by the Police.

3. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)