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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2341 OF 2018**

Jibabai Baban Nimbalkar

.....Applicant

V/s.

The State of Maharashtra

.....Respondent

Mr. Abhineet N. P. advocate for the applicant

Mr. S. S. Hulke APP for the State

CORAM : NITIN W. SAMBRE, J.

DATE : JANUARY 9, 2019.

P.C.

Bhimrao Pawar, cousin of brother of applicants expired way back and his widow Lalita, for an incident dated 20/04/2018, lodged the complaint on 27/04/2018 alleging that applicant assaulted her children and herself with the help of weapons.

2 In crime no. 108 of 2018 registered with Dahiwadi Police Station for offence punishable under sections 143, 147, 149, 324, 323, 354, 327, 504, 506, 306 and 511 of the Indian Penal Code, applicant is apprehending her arrest. Prior to the aforesaid incident, son of one of applicant Shankar in connected ABA no. 2340 of 2018 namely Omkar,

on 20/04/2018 lodged a complaint against Lalita and her two sons Pratik and Pranil alleging offence under sections 306, 511 & 34 of the Indian Penal Code. In the aforesaid background, case for pre-arrest bail is sought to be made out.

3 The learned APP submits that there is a delay in lodging the F.I.R. on the part of the complainant for the reason that the statement was first recorded in Phaltan Shahar Police Station on 27/04/2018 as the complainant Lalita has consumed poison within the jurisdiction of said Police Station and the complaint thereafter was transferred for investigation to the Dahiwadi Police Station. According to him, there is sufficient material including that of statement of witnesses to infer the involvement of the applicants and as such, sought dismissal.

4 It is not in dispute that present applicant and the complainant are already before the Civil Court in Suit for partition.

5 In the aforesaid background of pendency of civil dispute between the parties, if the allegation in the F.I.R. are appreciated, there are no convincing reason for lodging belated F.I.R. on the part of the

complainant. Apart from above, complaint lodged by Omkar, son of Shankar is prior in point of time. In the aforesaid background, false implication cannot be ruled out. In view thereof, case for pre-arrest bail is made out. Hence, following order:

ORDER

- (I) Application is allowed.
- (II) In the event of arrest of applicant in crime no. 108 of 2018 registered with Dahiwadi Police Station, she be released on bail on furnishing P.R. bond in the sum of Rs. 10,000/- with one surety in the like amount.
- (III) Applicant shall attend the Investigating Officer as and when directed.
- (IV) Applicant shall not influence or tamper with evidence.

6 Application stands disposed of.

[NITIN W. SAMBRE, J.]