

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

CRIMINAL APPLICATION (ABA) NO.218/2019

Archana Raju Todsam and ors

..VS..

State of Mah., thr. PSO PS Pandharkawada, Tahsil Kelapur, District
Yavatmal

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

Court's or Judge's Order

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Shri N.B.Bargat, Counsel for Applicants.
Shri R.R.Vyas, Counsel for Complainant.
Shri M.J.Khan, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.

DATED : OCTOBER 3, 2019.

1. This is an application for grant of anticipatory bail since applicants are apprehending their arrest in connection with Crime No.250/2019 registered with Pandharkawada Police Station, District Yavatmal for offences under Sections 143, 147, 149, 394, 354B, 341, 294, 504, 506, 323, 279, 337, and 500 of the Indian Penal Code.

2. Heard learned counsel Shri N.B.Bargat for applicants, learned counsel Shri R.R.Vyas for complainant, and learned Additional Public Prosecutor Shri M.J.Khan for the State.

3. According to learned counsel Shri N.B.Bargat for applicants, First Information Report lodged by Priya Raju Todsam reveals that alleged incident occurred on 12.2.2019. Whereas, the First Information Report is lodged on 29.3.2019. Thus, there is a delay in lodging of the First Information Report. He also submitted that the said First Information Report is nothing but a counter blast to report lodged by applicant No.1-Archana against

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complainant-Priya on 16.3.2019 with Pandharkawada Police Station, District Yavatmal which was registered as FIR No.196/2019 for offences under Sections 279, 294, and 506, and under Sections 3(2)(va), 3(i)(R)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. After hearing learned counsel for the parties, following facts emerge:

Applicant No.1-Archana and complainant-Priya, are claimed be legally wedded wives of one Raju Todsam and a serious dispute is going on between two ladies.

5. Record shows that first report was lodged by applicant No.1-Archana against complainant-Priya who claims to be wife of Raju Todsam and the said was registered as FIR No.196/2019.

6. Second First Information Report is lodged by complainant-Priya against present applicant No.1-Archana and others for incident dated 12.2.2019 on 29.3.2019. Thus, there is a delay in lodging of the report.

7. Today, Criminal Appeal No.228/2019 was also before the Court which was filed by complainant-Priya since she was apprehending her arrest in connection with Crime No.196/2019 and the said appeal was disposed of as withdrawn as according to learned counsel Shri R.R.Vyas for appellant/complainant Investigating Officer filed B-Summary before competent Court.

8. In the present case, on 9.4.2019, this Court (Coram : M.G.Giratkar, J.) granted *interim* protection to present applicants on conditions that they shall attend

Pandharkawada Police Station, District Yavatmal and shall extend full cooperation to Investigating Officer. According to learned counsel Shri N.B.Bargat for applicants, accordingly applicants attended the police station and extended full cooperation to Investigating Officer. The said is not at all disputed by learned Additional Public Prosecutor Shri M.J.Khan for the State.

9. Looking to fact that there is a considerable delay in lodging of the First Information Report and applicants have already attended the police station, in my view, the present application needs to be allowed. Consequently, this Court passes following order:

ORDER

(a) The criminal application is allowed.

(b) In the event of arrest of applicants, in connection with Crime No.250/2019 registered with Pandharkawada Police Station, District Yavatmal for offences under Sections 143, 147, 149, 394, 354B, 341, 294, 504, 506, 323, 279, 337, and 500 of the Indian Penal Code, applicants be released on bail on they executing a P.R.Bond in the sum of Rs.25,000/- by each of them with one solvent surety of the like amount by each of them.

(c) With this, the criminal application stands disposed of accordingly.

JUDGE

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