

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

Criminal Application (ABA) No.403 of 2019

Kiran d/o Tarachand Jaiswal
Vs.
State of Maharashtra

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

Court's or Judge's orders

Mr.S.Zia Qazi, Advocate for the applicant.
Mr. A.D.Sonak, APP for the non-applicant.

CORAM : MANISH PITALE, J.
DATED : AUGUST 8, 2019

The applicant herein is a lady, who has approached this Court apprehending arrest in connection with FIR dated 1.6.2019 registered against her and co-accused person for offences under Sections 307, 511, 452 and 120-B of the Indian Penal Code and provisions of the Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013.

2. While issuing notice and granting ad-interim protection to the applicant by order dated 27.6.2019, this Court made the following observations:

“The applicant herein is a lady against whom allegation is that she along with a co-accused had indulged in a conspiracy to eliminate the complainant i.e. her husband and other family members. It is stated in

the oral report leading to the registration of FIR that there is a matrimonial dispute between the applicant and her husband and that she had instituted criminal proceedings against the complainant and other family members on the allegation of harassment while demanding dowry.

“It is recorded in the report that the applicant had engaged the services of the co-accused who was indulging in black magic and other such activities in order to threaten to take the life of the complainant and other family members. It is informed that the co-accused was arrested and he has been released on regular bail.

Considering that there is a matrimonial dispute between the applicant and the complainant and the applicant is ready to cooperate with the investigation, a case for grant of ad-interim protection is made out.

Hence, in the event the applicant is arrested in Crime No. 154 of 2019 registered in Police Station Mankapur, district Nagpur, she shall be released on bail on furnishing P.R. bond of Rs.25,000/- (Rs. Twenty Five Thousand) and a surety in the like amount. The applicant shall attend Police Station Mankapur, district Nagpur city once a week i.e. on Sunday between 10 a.m. and 5 p.m.. The applicant shall cooperate with the investigating agency and she shall

hand over her mobile phone to the Investigating Officer for enquiries. The applicant shall not tamper with the evidence or influence witnesses”.

3. It is submitted by learned counsel for the applicant that as per the direction given by this Court, the applicant has indeed attended the police station. The non-applicant-State has not disputed this fact. The only submission made on behalf of the non-applicant/State is that since the mobile phone of the applicant and the co-accused person have been sent for analysis, there is possibility that the applicant may tamper with the evidence.

4. Considering the peculiar facts of this case and the fact of the mobile phone has already been seized and sent for analysis, this Court is of the opinion that the present application can be allowed. Accordingly, the application is allowed. The applicant is granted bail by confirming the ad-interim protection granted by order dated 27.6.2019, with the only modification that instead of the applicant attending the police station once in a week, she shall make herself available before the Investigating Officer as and when required. Needless to say that the applicant shall not tamper with the evidence or influence the witnesses.

JUDGE