

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

**CRIMINAL APPLICATION (ABA) NO. 719 OF 2019**

Sugandha wd/o Ramdas Chute .Vs. State of Maharashtra, PSO, P.S. Seloo,  
Tah. Seloo, Dist. Wardha.

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

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Mr. P.S. Kadam, Advocate for applicant.

Mr. V.A. Thakare, A.P.P for non applicant-State.

**CORAM : V. M. DESHPANDE, J.**

**DATED : NOVEMBER 15, 2019**

This is an application for pre-arrest bail. Applicant-Sugandha wd/o Ramdas Chute is apprehending her arrest in connection with Crime No.436/2019 registered with Police Station, Seloo, Tah. Seloo, Dist. Wardha for an offence punishable under Sections 307, 441, 323 and 114 read with Section 34 of the Indian Penal Code.

Heard Mr. Kadam, learned counsel for the applicant and Mr. Thakare, learned Additional Public Prosecutor for the non applicant-State. Also perused the reply filed on behalf of the prosecution.

It is the submission of the learned counsel for the applicant that looking to the background that previously for the incident dated 25.11.2010 the present applicant lodged a report against four persons including the first informant in this case and the first informant Ramesh Chute was ultimately found to be guilty by the learned Judicial Magistrate First Class, Seloo in Regular Criminal Case No.19/2011 on 02.07.2016 for the offence punishable under

Section 325 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for one year and against which he has preferred an appeal and said appeal is still pending, false implication at the behest of present applicant is not ruled out and for that learned counsel for the applicant invited my attention to the copy of the judgment delivered by the learned Magistrate on 02.07.2016 in Regular Criminal Case No.19/2011. The said judgment is part and parcel of the application for anticipatory and it is placed on record at Annxure-6.

Turning back to the factual aspect of the present case, first informant Ramesh Chute lodged a report with Police Station, Seloo on 01.10.2019 against four persons. The name of the present applicant did figure in the first information report and she is shown as accused no.4. The role attributed to the present applicant in the report is that on 30.09.2019 when Ramesh was returning from his agricultural field, he was intercepted by three other co-accused persons and at that time the present applicant instigated them and thereafter Ramesh was assaulted by co-accused.

The learned Additional Public Prosecutor for the State would submit that two co-accused who assaulted on Ramesh are already arrested and they are in jail.

The role attributed to the present applicant is that she has instigated others. Though specific role is there, in my view, looking to the fact that the first informant stand convicted on the basis of the report lodged by the present applicant and there is long standing dispute in respect of the

agricultural property, *prima facie* I accept the submission of the learned counsel for the applicant that possibility of her false implication is not completely ruled out. Further, the the applicant is a woman in her advance age and therefore she can be protected. Consequently, I pass following order:

**ORDER**

- (i) The application is allowed.
- (ii) In the event of arrest in connection with Crime No.436/2019 registered with Police Station, Seloo, Tah. Seloo, Dist. Wardha for an offence punishable under Sections 307, 341, 323 and 114 read with Section 34 of the Indian Penal Code, applicant – Sugandha wd/o Ramdas Chute, be released on bail on she executing P.R. Bond in the sum of Rs.10,000/- with one solvent surety in the like amount.
- (iii) The observations made in this order are purely for deciding the present application. The learned Judge of the Court below before whom the trial will be conducted shall not get influence himself by the observations made in this order.

The application is disposed of.

**JUDGE**

*srwagh*