

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

LD-VC-CRIMINAL APPLICATION (BA) NO.1244 OF 2020

(Shamim Bano w/o Illiyas Gaurve ..vs.. State of Maharashtra, through P.S.O, PS Ramdaspath, Akola)

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

Court's or Judge's orders

Shri S.V. Sirpurkar, Counsel for the applicant,
Shri C.A. Lokhande, Addl.PP for the non-applicant.

CORAM : ROHIT B. DEO, J.

DATED : 03-09-2020

Hearing was conducted through video conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. The applicant-woman is in custody in connection with Crime 86/2020 registered with Ramdaspath Police Station, Akola for offences punishable under Sections 143, 147, 148, 149, 307, 302, 324, 504 and 506 of the Indian Penal Code.

3. Perusal of the first information report dated 15-6-2020, which is lodged in close proximity with the incident by Shamim Mohammad Gaurve, who claims to be an eyewitness, reveals that there is no role attributed to the applicant in the assault. The only statement appears to be that since the family of the informant removed the bore-well/pump, which was also utilized by the family of the applicant, there was a quarrel between

the informant's family and the applicant. The learned Additional Public Prosecutor Shri C.A. Lokhande would submit that the witnesses whose statements are recorded attribute instigation to the applicant.

4. Considering that there is no overact attributed to the applicant in the report, it would not be appropriate to continue the custody.

5. The application is allowed.

6. The applicant be released on bail on furnishing personal bond of Rs.25,000/- with a solvent surety of like amount.

7. The applicant shall attend Police Station Ramdaspath, Akola as and when directed by the Investigating Officer, till the filing of the charge-sheet.

8. The applicant shall not make any attempt to tamper with the evidence or to influence witnesses.

9. The order be communicated to the Counsel appearing for the parties, either on the email address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE

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**Prafulla
Adgokar**

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by Prafulla
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