

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

CRIMINAL APPLICATION (ABA) 876 OF 2019

(Smt. Rohini w/o. Ashwin Patankar..vs.. State, thr PSO Jaripatka, Nagpur)

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

Court's or Judge's orders.

Shri A.R. Prasad, counsel for applicant.

Shri M.J. Khan, Addl. Public Prosecutor for non-applicant /respondent.

CORAM: ROHIT B. DEO, J.

DATE: 17th FEBRUARY, 2020.

The applicant is apprehending arrest in offence punishable under sections 387, 406, 420, 506 read with section 34 of the Indian Penal code with the Jaripatka Police Station, Nagpur vide Crime 1326 of 2019.

2. The First Information Report is lodged by Smt. Seema Nakade. One Ashwin Prakash Patankar and the present applicant Rohini are named in the First Information Report. Ashwin Prakash Patankar is released on bail by the learned Magistrate with the observation that the investigation is nearly completed.

3. Perusal of the First Information Report dated 3.12.2019 would reveal that a serious allegation is levelled, to wit, that the applicant and her companion threatened the complainant of making public certain photographs of the daughter of the complainant. The First Information Report recites that the complainant succumbed to the threat and as demanded handed over cash and jewelry worth approximately ₹ 9,82,000/- to the applicant and Ashwin.

4. Perusal of the case diary would reveal that the version in the First Information Report dated 3.12.2019 appears to be an improved version. Prior to lodging the report dated 3.12.2019, the

complainant lodged complaint dated 11.7.2019. In the said complaint, there is no whisper as regards the alleged threat of making public the photograph. The complaint was simply that taking advantage of the friendship, and under the pretext that the beer bar licence was to be renewed, Ashwin and the present applicant persuaded the complainant to part with gold and cash.

5. In this view of the matter, and since the applicant is a lady, I am satisfied that a case for exercising discretion is made out. The application is allowed. The interim order dated 23.12.2019 is made absolute.

(Rohit B. Deo, J.)