

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

Criminal Application (ABA) No. 46 of 2021

(Dipali Nareshchandra Borundiya @ Dipali Suraj Naukarkar ..vs.. State of Maharashtra through
P.S.O., Yavatmal City, Tq. & Dist. Yavatmal)

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

Court's or Judge's orders

Shri S. P. Bhandarkar with Shri S. B. Gandhe and Shri R. N. Badhe,
Advocates for the applicant
Mr. N. R. Rode, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 08-02-2021

Heard.

2. The applicant is apprehending arrest in Crime 559/2020 registered with Police Station, Yavatmal City, Tahsil and District Yavatmal for the offences punishable under Sections 420, 465, 466, 468, 471 and 506 read with Section 34 of the Indian Penal Code.

3. The crime is registered on the basis of report lodged by the husband of the applicant. The gist of the report is that the applicant suppressed her actual date of birth and represented that she is born on 3-12-1991. The husband alleges that at the time of registration of the marriage, the applicant produced certain documents including Aadhar card and PAN card reflecting the date of birth as 3-12-1991. However, the husband later learnt from the record of the municipal council that the applicant was born on 3-12-1986 and, therefore, elder to the applicant. It is also alleged by the complainant that

the applicant suppressed the fact that she was divorcee and has a daughter from the first marriage.

4. In my considered view, considering the nature of the accusations, custodial interrogation may not be necessary. The applicant is a woman and she has no antecedents as would make her a flight risk.

5. The actual date of birth is a matter of public record statutorily maintained. It is also a matter of record that some other date is reflected in the registration of marriage record. Who is responsible, if at all, would be looked into by the trial Court. The investigation is not likely to suffer, if the applicant is protected. However, certain conditions shall have to be imposed to balance the interest of the applicant and that of the investigating agency.

6. The application is allowed.

7. In the event of arrest of the applicant in Crime 559/2020 registered with Police Station, Yavatmal City, Tahsil and District Yavatmal for the offences punishable under Sections 420, 465, 466, 468, 471 and 506 read with Section 34 of the Indian Penal Code, the applicant be released on furnishing PR bond of ₹ 25,000/- (Rupees Twenty Five Thousand) with solvent surety of like amount.

8. The applicant shall attend Police Station, Yavatmal City, Tahsil and District Yavatmal every Monday

and Saturday from 11.00 a.m. to 2.00 p.m. for the next 90 days and shall cooperate with the Investigating Officer.

9. The applicant shall not influence the witnesses directly or indirectly.

10. The applicant shall not leave India without permission of the jurisdictional Court.

JUDGE

wasnik

Avinash
Wasnik

Digitally signed
by Avinash
Wasnik
Date:
2021.02.09
10:56:50
+0530