

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

957 ANTICIPATORY BAIL APPLICATION NO.468 OF 2022

SUMAN W/O BABURAO RANKHAMB

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. A.L. Kanade, Advocate for the applicant

Mr. A.M. Phule, APP for the respondent

...

WITH

ANTICIPATORY BAIL APPLICATION NO.471 OF 2022

BABURAO RAMA RANKHAMBE

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. A.L. Kanade, Advocate for the applicant

Mr. A.M. Phule, APP for the respondent

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 06th MAY, 2022

ORDER :

1 Both the applicants are apprehending their arrest in connection with Crime No.79/2022 dated 10.03.2022 registered with Jintoor Police

Station, Dist. Parbhani, for the offence punishable under Section 327, 354, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860.

2 Heard learned Advocate Mr. A.L. Kanade for the applicants and learned APP Mr. A.M. Phule for the respondent. In order to cut short, it can be said that they have argued in support of their respective contentions.

3 The First Information Report has been lodged by one Sushila Anil Rathod. It has been stated that the son of the informant was working in a grocery shop at about 7.30 p.m. on 09.03.2022, at that time, applicant Baburao went to the grocery shop. The grocery shop is belonging to the informant. Baburao started demanding certain articles on credit, however, the son of the informant asked Baburao that he should clear the earlier outstanding and then only he would give articles on credit. At that time, Baburao got annoyed and caught hold of the collar of the son of the informant and told that he will not give the outstanding amount. The informant tried to intervene and then it is stated that the Baburao had put his hand in her blouse and acted which outraged her modesty. The son of the informant got annoyed and he pushed Baburao. Then it is stated that Baburao had snatched the 10 gram gold mini mangalsutra from her neck and gave it to present applicant Suman, who is his wife. When the informant's

husband came there, he was abused by Baburao and then it is stated that one Balu @ Devrao Rankhamb had assaulted another son of the informant by kicks and fist blows.

4 From the contents of the First Information Report it can be seen that the physical custody of the applicants is not required as there is nothing to discover. No doubt, there appears to be a cross complaint, but it is filed later on, on behalf of the applicants. But perusal of the police papers would show that subsequently a supplementary statement of the informant has been recorded and she has twisted the story by saying that the said mangalsutra was in fact belonging to her daughter, which she had kept with the mother i.e. informant and the mother was then using this. This appear to be a go-by to produce the receipt or show existence of the mangalsutra. As on today the statement of her said daughter has not been recorded to support the statement of the informant that mangalsutra was given by her to the mother for keeping it with her. Therefore, there is no question of recovery of such article. The interim protection granted earlier to the applicants deserve to be confirmed. Accordingly, it is confirmed. Hence, the following order.

ORDER

1 Both applications stand allowed.

2 The ad-interim protection, granted by this Court earlier to applicants vide order dated 22.04.2022, is hereby confirmed and made absolute. In other words, if the applicants are not formally arrested, in the event of arrest of the applicant viz. **Suman w/o Baburao Rankhamb** in Anticipatory Bail Application No.468 of 2022 and applicant viz. **Baburao Rama Rankhambe** in Anticipatory Bail Application No.471 of 2022, in connection with Crime No.79/2022 dated 10.03.2022 registered with Jintoor Police Station, Dist. Parbhani, for the offence punishable under Section 327, 354, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860, they be released on P.R. Bond of Rs.30,000/- (Rupees Thirty Thousand only) each with two solvent sureties of Rs.15,000/- (Rupees Fifteen Thousand only) each.

3 Applicants shall not indulge in any criminal activity nor they should tamper with the evidence of the prosecution, in any manner.

4 They shall cooperate with the investigation.

(Smt. Vibha Kankanwadi, J.)