

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.588 OF 2022
WITH
CRIMINAL APPLICATION NO.1932 OF 2022 IN ABA/588/2022

Rupali Gorakh Raskar Applicant

Versus

The State of Maharashtra Respondent

.....
Mr. V.R. Dhorde, Advocate for the Applicant
Mr. S.B. Narwade, APP for Respondents/State
Mr. A.T. Kanawade, Advocate for Assist to PP
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[CORAM : S.G. MEHARE, J.]

DATE : 4th JULY, 2022

ORDER :

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. The checkered history of the dispute between the applicant and the injured revealed that the present applicant had purchased one flat in which Santosh Bhimaji Gandhade was a middle man. The said transaction was completed. Thereafter, there was some money transaction. The complainant has received some amount from the present applicant with a promise to make money double, and it would

be returned as and when demanded by the present applicant. However, the money was not returned. Hence, there were cross F.I.Rs., against each other. The applicant also filed a civil suit seeking protection of the possession of the flat. The Court has granted the temporary injunction in favour of the applicant, protecting the possession of the flat. However, again her entrance was closed by fixing a tin sheet in front of her house, for which she also lodged the report. The history reveals that there are reports against reports by both parties. The last incident is alleged to have happened on 15.03.2022. The applicant has admitted that her car had an accident on that day of the alleged incident, but it was a slight dash to one bicycle. Coincidentally, the complainant also met with an accident on that day. The complainant did not lodge the report immediately. There is a delay in lodging the F.I.R. In the F.I.R., it is alleged that the applicant has given deliberate dash to the complainant with the intention to kill him. She has a case that the entire allegations are false. Immediately after the incident, she has gone to the police station Supa. The police did nothing, and she was allowed to go. Therefore, she has taken her car. Meanwhile, the police made a phone call to Parner Police Station. The police and another well-wisher of the complainant were searching for the reasons to involve the applicant in a serious crime since she was repeatedly lodging

the reports. Police did not receive her reports. However, a false story is cooked against and a belated false report of attempting to murder has been lodged against her. False evidence of electronic messages has also been created. In fact, no incident as alleged happened. Therefore, custodial interrogation of the applicant is not required.

3. The learned APP has strongly opposed the application, contending that there are three crimes against the applicant. The electronic evidence shows that the vehicle of the applicant was on the spot. The photographs of the motorbike and the car involved in the crime have also been taken. The injury certificate also supports the prosecution. The applicant fled away with her car from the Police Station Supa. She had also threatened the complainant to kill. She implemented her intention into action and dashed the complainant's moped from behind, in which the complainant sustained serious injuries. Therefore, custodial interrogation of the applicant is necessary.

4. The checkered history of lodging the report against each other is admitted to both sides. The applicant has not denied the accident on the day of the incident. However, she has come up with a case that it was a slight dash to a bicycle. The question remained whether the dash was given to the bike of

the complainant. Considering the enmity between the applicant and the complainant, it was expected that the complainant could not leave any opportunity to lodge a report immediately against the applicant. The learned counsel for the complainant placed on record the document on page 77. The learned counsel for the applicant, referring to the said document, pointed out that the history told to the hospital reveals that it was a road traffic accident and a fall from a two-wheeler on 15.03.2022 at 12.30 p.m. However, the applicant was admitted to the hospital on 19.03.2022 at about 8.00 p.m. Admittedly, though the report was not lodged immediately, the possibility of a co-incident of motor accident of the complainant and the accident at the hands of the applicant cannot be ruled out. Considering the facts of the case, and checkered history of the complaints made against each other and the allegations levelled against the applicant, this Court is of the view that this is a fit case to exercise the discretion under Section 438 of the Code of Criminal Procedure. However, certain stringent conditions may be imposed. Hence, the following order.

ORDER

- (i) The application is allowed.

(ii) In the event of arrest of the applicant **Rupali Gorakh Raskar** be released on bail on furnishing P.B. and S.B. of Rs.25,000/- (Rupees Twenty Five Thousand only) with one solvent surety of the like amount in Crime No. 191 of 2022, registered with Parner Police Station, District Ahmednagar for the offences punishable under Sections 307, 427 of the Indian Penal Code, on the condition to attend the Police Station on every Thursday and Tuesday till 04.08.2022 and co-operate with the investigation.

(iii) The applicant is directed to hand over her mobile handset to the police for investigation.

(iii) The criminal application No.1932 of 2022 for assisting the learned APP is allowed.

[S.G. MEHARE, J.]

S.P. Rane