

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

CRIMINAL APPLICATION (ABA) NO.317 OF 2021

(RUPALI RAVINDRA YERNE....VS.. THE STATE OF MAH. THR. PSO PS WANI, 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 Rohit Joshi, Advocate for Applicant.
Shri T.A.Mirza, A.P.P. for Non-applicant No.1/State.
Shri Anjan De, Advocate for Intervener-Complainant-BOM.
Shri A.S.Dhore, Advocate for Intervener-Rangnath Swami Patsanstha.

CORAM : ANIL S. KILOR, J.
DATED : APRIL 19, 2022.

1. Heard.
2. The applicant is seeking pre-arrest bail in Crime No. 330 of 2021, registered with Police Station, Wani, District : Yavatmal for the offences punishable under Sections 420, 465, 468, 471 and 34 of the Indian Penal Code. The applicant is wife of accused No.1. The allegations made in the First Information Report (FIR) are that the husband of the applicant has mortgaged one and the same property with four different banks and availed loan facility and thereby cheated the said Banks.
3. Shri Joshi, learned counsel for the applicant submits that the allegations are mainly against the accused No.1 and the applicant has been arraigned as accused only because she is the wife of main accused.

4. On the other hand, the learned A.P.P. has strongly opposed the present application. He submits that the accused have mortgaged same property with four different banks and the Mortgage Deed does not disclose that part of the land was mortgaged in every loan transaction. He, accordingly prays for rejection of the present application.

5. Shri Anjan De and Shri Dhore, learned counsel appearing on behalf of the complainant Banks/interveners reiterated the contentions of the learned A.P.P.

6. After going through the case diary and the contents of the F.I.R. it is revealed that no specific role is attributed to the applicant, as attributed to the accused No.1/husband of the applicant. Moreover, her involvement is alleged because she is a wife of accused No.1, whose pre-arrest bail application has been rejected looking to his involvement in the alleged offence.

7. In that view of the matter, I am of the opinion that the applicant is entitled for grant of pre-arrest bail. Hence, I pass the following order:

- (i) The application is allowed.
- (ii) The order dated 18th May 2021, granting ad-interim anticipatory bail to the applicant, is hereby confirmed.

The application is **disposed of** accordingly.

Pending application(s), if any, shall stand **disposed of** accordingly.

JUDGE

RRaut.