

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

Criminal Application (ABA) No.356/2022

Smita Kamble V State of Maharashtra thr PSO PS Gadge Nagar, Amravati

Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

Shri S.B. Gandhe, Advocate for applicant.
 Shri T.A. Mirza, APP for State.

CORAM : ANIL S. KILOR, J.
DATE : 07-06-2022

The applicant has approached to this Court by filing the present application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in connection with Crime No.491/2022 dated 27-04-2022 registered with Police Station Gadge Nagar, District Amravati for the offences punishable under Sections 302, 201, 498-A, 120-B read with Section 34 of the Indian Penal Code.

2. Learned Counsel for the applicant has argued as follows :-

- a) The applicant has been falsely implicated in the alleged offence.
- b) The custody of the applicant is not necessary.
- c) There is no incriminating material to show involvement of the applicant in the alleged offence.

3. On the other hand, Shri T.H. Mirza, learned APP strongly opposes the application and submits that -

- a) The I.O. has collected sufficient material to prima facie show that involvement of the applicant in the alleged offence.
- b) The offence is serious and it is against society.

4. I have perused the case diary and the contents of the First Information Report (FIR).

5. The applicant is the sister in law of the deceased. In the FIR, no specific role is attributed against the applicant. However, the general allegations are there against the applicant. It can be seen from the case diary that the residential address of the applicant is different from the place of occurrence. *Prima facie*, there is no evidence to show that at the time of occurrence of the alleged incident, the applicant was present at the spot.

6. In that view of the matter, I am of the opinion, that the custodial interrogation of the applicant is not necessary in this crime. Moreover, there is nothing to show that the applicant would pressurize the prosecution evidence or temper the prosecution witnesses and/or she will not be available for the trial.

7. In that view of the matter, I pass the following order:-

ORDER

- i) Application is allowed.
- ii) In the event of arrest of the applicant in Crime No.491/2022 dated 27-04-2022 registered with Police Station Gadge Nagar, District Amravati for the offences punishable under Sections 302, 201, 498-A, 120-B read with Section 34 of the Indian Penal Code, the applicant be released on bail on furnishing P.R. Bond of Rs. 15,000/- with one solvent surety in the like amount.
- iii) The applicant shall attend the concerned Police Station as and when her presence is required.

(Anil S. Kilor, J.)