

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

CRIMINAL APPLICATION (ABA) NO.443 OF 2022

Monica W/o Milind Kulkarni

Versus

State of Maharashtra, through P.S.O., P.S. Paratwada, Dist. Amravati

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri U.P. Dable, Advocate for the applicant.

Ms M.A. Barabde, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 08/07/2022

1. The applicant is seeking pre-arrest bail in Crime No.227 of 2022, dated 23.03.2022, registered with Police Station Paratwada, District: Amravati (Rural), for the offences punishable under Sections 363, 384 and 386 read with Section 34 of the Indian Penal Code and Sections 25 and 4 of the Arms Act.

2. Shri Dable, learned counsel for the applicant submits that except the allegations that the applicant made a phone call to the complainant and called him to meet at Gajanan Maharaj Mandir, there are no other allegations or no over act is attributed against the applicant. He submits that the applicant was not having any knowledge about the purpose of his brother, to ask her to call the complainant

and call him near Gajanan Maharaj Mandir. He therefore, submits that no offence attracts against the applicant.

3. Shri Dable, learned counsel for the applicant further submits that she has been falsely implicated in the alleged offence and considering the allegations made against her in the First Information Report (FIR), her custodial interrogation is not necessary. Accordingly, he prays for grant of pre-arrest bail.

4. On the other hand, Ms M.A. Barabde, learned APP strongly opposes the present application and submits that the brother of the applicant is involved in similar offences and there are about nine offences which were registered against the brother of the applicant, prior to the present offence.

5. It is further pointed out that all the offences are under Section 392 read with Section 34 of the Indian Penal Code. She thus, argues that it cannot be said that the applicant was not knowing the purpose behind asking her by her brother to make a phone call to the complainant and call him near Gajanan Maharaj Mandir. She therefore, submits that custodial interrogation of the applicant is necessary, in this case. Accordingly, she prays for rejection of the present application.

6. I have perused the Case Diary, FIR and reply of the State.

7. The story of the prosecution is that the applicant made a phone call to the complainant at the instance of her brother namely Roshan Rohankar and falsely stated that she wants to meet the complainant. Accordingly, the complainant reach near the Gajanan Maharaj Mandir from where the accused persons abducted him. Accordingly, the present offence is registered.

8. During the investigation and after recording the statements of the witnesses, it is revealed that the applicant is also involved in the alleged offence.

9. Considering the antecedents of the brother of the applicant and particularly the nature of offences, he has committed in the past. At this stage, it cannot be said that the applicant had no knowledge about the purpose for which his brother ask her to call the complainant and ask him to come near Gajanan Maharaj Mandir. Otherwise also it will be the part of the investigation for which custodial interrogation of the applicant will require. Accordingly, I pass the following order:

The criminal application is **rejected**.

10. The observations made by this Court are *prima facie* observations and the trial Court may not influence by any of the observation while considering the application for grant of bail to the applicant.

[ANIL S. KILOR, J.]