

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

CRIMINAL APPLICATION (ABA) NO.448 OF 2022

(ANJANA ARUN WAKODE & ANR....VS.. STATE OF MAH. THR. SR. P.I. CHANDUR BAZAR,
AMRAVATI)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.P.Thakre, Advocate for Applicants
Ms Shamsi Haider, A.P.P. for Non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : JULY 22, 2022.

1. Heard.
2. The applicants are seeking pre-arrest bail in connection with Crime No.304/2022, registered with Police Station Chandur Bazar, District : Amravati Rural for the offences punishable under Sections 452, 323, 294, 302, 506 read with Section 34 of the Indian Penal Code, 1860.
3. The learned counsel for the applicants submits that the alleged incident took place on 05/05/2022 and the F.I.R. was lodged on 08/05/2022. In the F.I.R. names of the applicants do not feature and subsequently on 11/05/2022, i.e.after recording the statements of witnesses, they have been arraigned as accused.
4. It is submitted that the applicants being women and as no role is attributed to them, custodial interrogation of the applicants is not necessary. Accordingly, he prays for grant of pre-arrest bail.

5. The learned APP strongly opposed the application and submits that in the statements of witnesses, which are recorded by the Investigation Officer, during the investigation, they disclosed the names of the applicants and attributed the role to both of them. It is further submitted that because the complications developed due to injuries caused due to the said assault, father of the complainant died on 8th May 2022. Thus, she submits that as the offence is serious, this Court may not grant pre-arrest bail to the applicants.

6. I have perused the case diary and also the First Information Report.

7. The applicant No.1 is 60 years old lady, whereas applicant No.2 is a 25 years old lady. The alleged incident took place on 05/05/2022 at 16:00 hrs., whereas, the report was lodged on 08/05/2022 at 17:34 hrs. Though the F.I.R. was lodged after three days of the incident, names of the applicants do not appear in the F.I.R. and no role is attributed to them.

8. Two days after the lodgement of the report on the death of the father of the complainant, some of the witnesses have disclosed the names of the applicants. Thereupon, the applicants were arraigned as accused.

9. The fact that, though the F.I.R. was lodged after three days of the incident, the names of the applicants were not stated in the same and no role was attributed to them, creates doubt about veracity of the statements about subsequent disclosure of the names of the applicants by witnesses after five days of the incident.

10. In the aforesaid backdrop, I am of the opinion that as *prima-facie* there is no incriminating material available against the applicants except statements of witnesses which were recorded belatedly after five days, the applicants are entitled for pre-arrest bail. Moreover, as the applicants are women and considering the age of the applicant No.1, I pass the following order:

- i) The application is **allowed**.
- ii) The order dated 6th July 2022, granting *ad-interim* anticipatory bail to the applicants is hereby confirmed.
- iii) The applicants shall attend the concerned Police Station on 28, 29 and 30 July 2022 between 10:00 a.m. and 12:00 noon and thereafter as and when their presence is required.
- iv) The applicants shall not tamper with the prosecution evidence and shall not influence the prosecution witnesses.

v) The State is at liberty to apply for cancellation of bail in case of breach of any of the conditions.

The criminal application is **disposed of** accordingly.

JUDGE

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