

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

CRIMINAL APPLICATION (ABA) NO.616 OF 2022

Ku. Pratiksha D/o Keshav Gorde .Vs. State of Maharashtra, through P.S.O., P.S.
Rajapeth, Amravati, 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 Muzammil Hussain, Advocate for the applicant.
Shri A.R. Chutke, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 29/08/2022

1. The applicant is seeking pre-arrest bail in Crime No.607 of 2022, dated 24.07.2022, registered with Police Station Rajapeth, District: Amravati, for the offences punishable under Sections 306 and 498-A read with Section 34 of the Indian Penal Code.

2. Shri Hussain, learned counsel for the applicant submits that even if the allegations are taken on its face value, no offence under Section 306 of the IPC would attract in this case against the applicant.

3. He further submits that Section 498-A would also not attract against the applicant. Accordingly, he argues that, the applicant is falsely implicated in the alleged offence, custodial interrogation of the applicant is not necessary in this case.

4. On the other hand, Shri A.R. Chutke, learned APP strongly opposes the present application and submits that during the investigation sufficient material has been collected by the Investigation Officer to show that there was illicit relations between the applicant and the husband of the deceased. He therefore, submits that considering the incriminating material available on record, this Court may not grant bail to the applicant.

5. I have perused the Case Diary and the Application.

6. Considering the allegations in the FIR, which say that there were illicit relations between the applicant and the husband of the deceased. There are allegations that the applicant had threatened the deceased of dire consequences in case she would not give divorce to her husband.

7. The allegations against the applicant about threats are vague, no specific date or the period is given. Furthermore, Section 498A of the IPC will not apply to the applicant.

8. Thus, considering the allegations made in the FIR, *prima facie*, it is doubtful whether 306 of the IPC will attract in this case against the applicant.

9. In the circumstances, I am of the opinion that, custodial interrogation of the applicant is not necessary. As such, I pass the following order:

- a) The criminal application is **allowed**.
- b) It is directed that in the event of arrest of the applicant in Crime No.607 of 2022, dated 24.07.2022, registered with Police Station Rajapeth, District: Amravati, for the offences punishable under Sections 306 and 498A read with Section 34 of the Indian Penal Code, the applicant shall be released on bail on furnishing P.R. Bond of Rs.15,000/- with one solvent surety in the like amount.
- c) The applicant shall attend the concerned Police Station as and when her presence is required.
- d) The applicant shall not tamper with the prosecution witnesses.

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

[ANIL S. KILOR, J.]