

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

CRIMINAL APPLICATION (ABA) NO. 803 OF 2022

Sau Ujwala w/o Rahul Narwade and others .Vs. State of Maharashtra, thr. PSO., PS Lonar Tq. Lonar, Dist. Buldhana.

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

Court's or Judge's Order

Mr P.S. Wathore, Advocate for the applicants.

Ms Shamshi Haider, Advocate for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 05/12/2022

1. Heard.
2. The applicants are seeking ad-interim bail in connection with Crime No. 349 of 2022 registered with Police Station Lonar Dist. Buldhana for the offences punishable under Sections 395, 324, 323, 294, 506 of the Indian Penal Code, 1860.
3. In this case, there are counter FIRs. The first FIR was lodged by the husband of the applicant No.1, who is the main accused in the present crime, against eight accused persons for the offences punishable under Sections 452, 324, 323, 504, 506, 143, 147, 149 of the Indian Penal Code and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocity) Act, 1989.
4. The learned counsel for the applicants submits that, the present crime is the counter blast of the first FIR,

which was lodged by the husband of applicant No.1. However, after going through the case-diary, there is sufficient incriminating material available against the main accused and the applicant no.1. During the investigation, the gold ornaments worth Rs.50,000/- which was allegedly snatched by the applicant No.1 from the neck of the informant were recovered from the husband of the applicant No.1. The medical report also supports the case of the prosecution.

5. As far as the applicant Nos.2 and 3 are concerned, the allegations against applicant No.2 are that she assaulted by fist and blows, whereas, the applicant No.3 was present at the spot.

6. Thus, considering the material available in the case-diary and prima-facie incriminating material available against the applicant No.1 to connect her with the alleged offence, I am not inclined to grant pre-arrest bail to the applicant No.1.

7. However, considering the allegations made against the applicant Nos. 2 and 3, I am of the opinion that custodial interrogation of the applicant Nos. 2 and 3 is not necessary.

8. Moreover, there is nothing to point out that, if the applicant Nos. 2 and 3 are released on bail, they will not be available for trial. Accordingly, I pass the following order:

- a) The criminal application is **rejected** qua the applicant No.1 (Sau Ujwala Rahul Narwade) consequently the interim order granted to her is vacated.
- b) The application is qua the applicant No.2 (Panchafulla w/o Rameshwar Narwade) and applicant No.3 (Sau Vidya w/o Vinod Narwade) is **allowed**.
- c) The order granting ad interim anticipatory bail dated 21/11/2022, is hereby confirmed qua the applicant No.2 (Panchafulla w/o Rameshwar Narwade) and applicant No.3 (Sau Vidya w/o Vinod Narwade).

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

JUDGE