

ANTICIPATORY BAIL APPLICATION NO.9 OF 2023

Versus

Mr. S.S. Gangakhedkar, Advocate for applicants.
Mr. A.A. Jagatkar, APP for respondents.

■ ■ ■ ■ ■ ■ ■

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 13th FEBRUARY, 2023

ORDER :

1. After arguing at length on merits, when this Court was not inclined to grant relief, learned advocate for the applicants on instructions seeks permission to withdraw the application of applicant No. 1. Permission granted. Application of Applicant No. 1- Bhaurao Tikhadke, is dismissed as withdrawn. Interim protection granted to applicant No. 1 stands vacated.

2. Applicant apprehends arrest in Crime No. 161/2022, registered with Bardapur Police Station, Beed, for offence punishable under section 381 read with 34 of the Indian Penal Code.

3. Jagganath Mamadge has lodged FIR alleging that husband of the applicant Bhaurao and son Anil were kept as agricultural labors on yearly basis to look after the field of informant. Their yearly payment was fixed at Rs. 1,25,000/- each. They were serving from May-2022. Soyabean crop was harvested and 220 bags of Soyabean were kept store in the house in the field. Anil and Bhausahab were guarding said field. On 23.11.2022, informant received call from adjoining agriculturists that his house in the field was open and both Anil and Bhaurao were not seen there. On verification informant realized that Anil and Bhaurao have taken away 220 bags of Soyabean in two Eicher Trucks bearing Nos. MH-04-TS-7194 and MH-04-GF-0042 and sold Soyabean in the market.

4. Heard the learned advocate for the applicant and learned Additional Public Prosecutor for respondents. Perused the investigation papers.

5. Anil is arrested and application of Bhaurao is dismissed as withdrawn today.

6. The applicant is named in the FIR, however, investigation papers prima facie do not show that the applicant has played active role in the alleged offence. There are no specific allegations against the applicant showing her active involvement in the alleged offence.

7. Applicant was granted interim protection and was directed to attend the concerned police station. She has attended the police station and has co-operated in the investigation. Nothing is to be recovered from the applicant. Pre-trial custodial detention of the applicant in the facts of the present case is not necessary. The applicant being women, deserves protection.

8. In the result, application is allowed.

9. In the event of arrest of applicant in connection with Crime No. 161/2022, registered with Bardapur Police Station, Beed, for offence punishable under section 381 read with 34 of the Indian Penal Code, applicant shall be released on executing personal bond of Rs. 15,000/- with one surety in the like amount.

10. Till filing of charge sheet, applicant shall attend the concerned police station as and when called by the investigation officer. The applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]