

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

946 ANTICIPATORY BAIL APPLICATION NO.300 OF 2023

Pratibha Rajesh Raut,
Age; 40 years, Occ; Business,
R/o; Rautnagar, Near Bus Stand Jalna,
Tq. & District Jalna.

...Applicant

VERSUS

1. The State of Maharashtra,
Through Moujpuri Police Station,
District. Jalna.
2. The Superintendent of Police
Superintendent of Police Office, Jalna
Dist. Jalna.

...Respondents

...
Advocate for Applicant : Mr.Salok Amol M. & Mr.Bhosale Mahesh
Kalidas
APP for Respondents-State : Mr. A.S.Shinde
...

CORAM : R. G. AVACHAT, J.

DATE : 09.03.2023.

PER COURT :

1. Heard.
2. The applicant claims to have an apprehension of arrest in connection with Crime No.09 of 2023 registered with Moujpuri Police Station, District Jalna, for the offences punishable under Sections 326, 323, 506, read with Section 34 of the Indian Penal Code ("I.P.C."). The First Information Report ("F.I.R.") has been lodged by

the victim himself on 07.01.2023, in relation to the incident dated 02.01.2023. As such there is delay of 5 days in lodging of the FIR. True, the injury certificate suggests the informant to have suffered fracture injury to his thigh. As he was unconscious he could not lodge the report immediately. What has been alleged in the FIR is that the informant was returning from his village. It was about 7.00 p.m. One unknown person met him on the way. That fellow told the informant that his ("informant's") brother met with an accident. That unknown person brought him to Jalna-Mantha Road. A White Car was stationary at the road side. The applicant alighted from the Car. One unknown person was with her. That person questioned the informant as to why did he stay with the one Bhaskar Adhav. Both the unknown persons assaulted the informant with tomy, as a result of which the informant suffered fracture injury.

3. Perusal of the FIR indicates that the applicant had no overt act in the alleged offence. True, she knows the names of the assailants. It is also brought to the notice of this Court that the present applicant has lodged FIR against the informant herein, the same indicates that the informant to have reason to implicate the applicant. The applicant is widow and a mother of two children. She has not been attributed with any overt act. There is delay of 5 days in lodging the report to the police. The application, is therefore,

allowed. Hence following order :

ORDER

(a) The application is allowed.

(b) In the event of arrest in connection with CR No. 09 of 2023, registered with Moujpuri Police Station, District Jalna for the offences punishable under Sections 326, 323, 506, read with Section 34 of the Indian Penal Code, the applicant Pratibha Rajesh Raut, be released on executing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with a surety in the like amount on following conditions :

- (i) She shall appear before the investigating officer, as and when required for the investigating purpose.
- (ii) She shall not tamper with the prosecution evidence.

**(R. G. AVACHAT)
JUDGE**

mahajansb/