

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

ANTICIPATORY BAIL APPLICATION NO.1019 OF 2023

**SAKUBAI W/O BHIKAN AMBHORE
VERSUS
THE STATE OF MAHARASHTRA**

Ms. Vaishnavi Padwale, Advocate h/f Mr. N. S. Ghanekar, Advocate for
the applicant
Mr. S. P. Sonpawale, APP for the respondent/State

CORAM : R. M. JOSHI, J.

DATE : 11th SEPTEMBER, 2023

P.C. :-

1. Applicant apprehends arrest in connection with Crime No. 167/2023 registered at Sillod Rural Police Station, Tal. Sillod, Dist. Aurangabad for the offences punishable under Sections 376, 327, 452, 324, 323, 506, 34 of IPC.

2. The first informant lodged report in respect of the occurrence of the incident dated 10/05/2023. There are allegations against the co-accused of commission of offence punishable under Section 376 of IPC. The allegation against the present applicant is that she took away Rs.4 lakhs from the house.

3. Learned counsel for the applicant states that the said allegation made in the first information report is not acceptable. According to her

the possibility of false implication cannot be ruled out having regard to the incident mentioned in the first information report occurred on 10/05/2023. It is further argued that the investigation into the crime is over with filing of the charge-sheet and as such the custodial interrogation of the applicant is not necessary.

4. Learned APP opposed the application by referring to the statement in the first information report as well as the statement of witnesses.

5. Having regard to the allegations against the son of the present applicant in the first information report, this Court finds substance in the contention of the learned counsel for the applicant that this could be a case of false/ over implication. It is also not digestible that after occurrence of the incident as mentioned in the said report, the present applicant would be in position to commit theft of any money in presence of other members of the family of the informant in the house. Admittedly, the investigation into the crime is over with filing of the charge-sheet. There are no criminal antecedents of the applicant. Hence the application is allowed in terms of interim order dated 3rd July, 2023.

(R. M. JOSHI, J.)

ssp