

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

940 ANTICIPATORY BAIL APPLICATION NO.1533 OF 2023

MANISHA VIJAY SABALE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Vikram R. Dhorde
APP for Respondent – State : Mr. V.S. Badakh
Advocate for Assist to PP : Mr. Abhay D. Ostwal

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WITH
CRIMINAL APPLICATION NO.3544 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO.1533 OF 2023

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CORAM : R. M. JOSHI, J.
DATE : SEPTEMBER 14, 2023

PER COURT :

. At the outset, learned counsel Mr. Abhay D. Ostawal states that he has instructions to appear on behalf of the informant and his application to assist PP be allowed.

2. Having regard to the nature of offences mentioned in the FIR, application for assist to PP is allowed.

3. Heard.

4. Issue notice to the respondent, returnable on 09.10.2023.
Learned APP waives notice on behalf of the respondent – State.

5. Learned counsel for the applicant submits that there is delay in lodging of the First Information Report. It is only after the report bearing FIR no.628 of 2023 came to be lodged on 26.07.2023 by the applicant against the informant, by way of counter blast present report has been lodged with another police station. Though it is sought to be argued that the informant herein has political connection, this Court does not want to go into the said issue at this stage. It is further submitted that the applicant being a lady, she needs to be protected.

6. Learned counsel for the informant submits that the informant is heart patient and therefore after the occurrence of the incident dated 26.07.2023, he was in shock. He further states that informant had been to the doctor and was directed to take some medicines. However, admittedly, he was not hospitalized. On instructions, it is stated that the informant is heart patient since 4 ½ years and he is under medication. When a specific query is made if it is the case of the informant some cheque was obtained forcibly by the applicant from him on 26.07.2023 that any intimation is given to the

bank to stop payment, on instructions from informant who is present before the court, learned counsel Mr. Ostawal states that no such intimation is given to the bank. He, however clarifies that since the balance was insufficient in account of the informant, he did not find it necessary to inform to the Bank. This conduct of the informant speaks volume.

7. Having regard to the fact that there is delay in lodging the FIR and the same is admittedly lodged after complaint was made by applicant against present informant, her false / over implication cannot be ruled out. Applicant is lady. Thus, liberty of the applicant deserves to be protected till prosecution is heard in the matter.

8. Learned APP now submits that though he has no instructions from the Investigating Officer to that extent, however from the observations made by the learned Additional Sessions Judge in paragraph no. 11 of the order dated 29.08.2023 he submits that the applicant herein had made false statement to the informant about she being married and her husband is in service at JSW Company. Learned APP further submits that since full address is not given in the

title of the application, it will be difficult for the Investigating Officer to serve notice calling upon her to attend the concerned police station.

9. Learned counsel for the applicant opposed the said contention and submitted that there is no difficulty in giving the address if sought by the Investigating Officer. However, the intention behind seeking address is to help informant to cause harassment to the applicant. This Court finds that said apprehension is not meritless. In any case, interest of the prosecution can be met if the applicant is directed to attend the concerned police station on particular dates.

10. Learned APP states that the applicant be directed to appear before the Investigating Officer on 16.09.2023 and 20.09.2023 between 11 a.m. to 03:00 p.m.

11. Having regard to the requirement of the Investigating agency for investigation as claimed by the learned APP, it would be appropriate to direct the applicant to appear before the Investigating Officer on 16.09.2023 and 20.09.2023 between 11 a.m. to 03:00 p.m.

12. Hence, the following order:

ORDER

- (i) Till the next date, in the event of arrest of the applicant in connection with Crime No.450 of 2023 registered with Loni Police Station, Dist. Ahmednagar, for the offences punishable under Sections 388, 389, 504, 506, 323, 120-B, 420, 500 r/w. Section 34 of the Indian Penal Code, she be released on bail on furnishing PR Bond of Rs.15,000/- (Rs. Fifteen Thousand only) with one surety in the like amount.
- (ii) She shall appear before the Investigating Officer on 16.09.2023 and 20.09.2023 between 11 a.m. to 03:00 p.m.
- (iii) She shall not contact the witnesses directly or indirectly.
- (iv) She shall not interfere with the evidence in any manner whatsoever.
- (v) She is further directed to cooperate with the investigating agency for further investigation.

[R. M. JOSHI]
JUDGE