

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1252 OF 2022

Vatsala B. Shinde ...Applicant

V/s.

The State of Maharashtra ...Respondent.

Mr. Ghanasham S. Jadhav for the Applicant.

Mrs. Rutuja Ambekar, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.

DATE : 08.03.2023.

P.C. :

1. This is an application under Section 438 of Code of Criminal Procedure for anticipatory bail.
2. I have heard the learned counsel for the applicant and the learned APP for the State.
3. The allegations against the present applicant and other co-accused are of black marketing of foodgrains.
4. This Court, on 6 May 2022, passed the following order:
"The applicant is seeking pre-arrest bail in Crime No.249/2022 of Indapur Police Station, Pune, for the offences punishable under Section 406, 409 and 420

r/w. 34 of Indian Penal Code and Section 3 and 7 of the Essential Commodities Act, 1955.

2. Heard the learned Advocate for the applicant.

3. Learned Additional Public Prosecutor seeks time to file reply. Time is granted.

4. In the meantime, the Investigating Officer shall conduct the investigation and shall go to the roots of the matter.

5. It is submitted by the learned Advocate for the applicant that the applicant is 53 years old and is a handicapped person. It is submitted that she has not played any role in the crime. The accused Nos.1 and 2 behind her back indulged in the commission of crime.

6. In view of the fact that applicant is 53 years old and she is handicapped and the relevant aspects would be required to thoroughly investigated and placed on record, it would be just and proper to grant protection to the applicant from arrest, subject to appropriate conditions. Hence, the following order.

ORDER

(i) In the event of her arrest of the applicant in connection with investigation of Crime No.249/2022 of Indapur Police Station, Pune, she be released on bail on executing a P.R. Bond in the sum of Rs.50,000/- with one or two solvent sureties, in the like amount.

(ii) The applicant shall attend the concerned police station on every Monday and Saturday, till next date.

(iii) The applicant shall cooperate with the investigation during the course of interrogation.

(iv) The applicant shall not tamper with the prosecution evidence.

Stand over to 17 June 2022."

5. The Sessions Court rejected the application on the ground that custodial interrogation is necessary. However, it appears that the prosecution has filed the charge-sheet against the present applicant. Considering the overall facts and circumstances and as there are no other criminal antecedents, I am inclined to allow the present application. The interim order passed by this Court dated 6 May 2022 is hereby confirmed.

6. Anticipatory Bail Application is disposed of.

[N.R.BORKAR, J.]