

SA Pathan

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 2985 OF 2022

Aruna Jagannath Ganjare	... Applicant
V/s.	
The State of Maharashtra	... Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 2987 OF 2022**

Aruna Jagannath Ganjare	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Balasaheb R. Deshmukh, for the Applicant.

Mrs. Veera Shinde, APP for the State-Respondent.

CORAM : AMIT BORKAR, J.

DATED : JUNE 15, 2023

P.C.:

1. The applicant in both these applications is apprehending arrest in connection with C.R. No.665 of 2021 registered with Yeola Taluka police station, District Nashik (Rural) for offences punishable under Sections 420, 409 r/w Section 34 of the Indian Penal Code (for short "IPC") and CR. No.667 of 2021 registered with Yeola Taluka police station, District Nashik (Rural) for offences punishable under Sections 409, 420, 465, 467 and 468 r/w Section 34 of IPC.

2. According to the prosecution, the husband of the applicant who was working as Talathi, misusing his position as a public

servant, by misappropriation of Government funds transferred in favour of applicant and other relatives. Applicant's husband was arrested and released on bail.

3. The applicant's application under Section 438 of the Code of Criminal Procedure, 1973 has been rejected by the Sessions Judge, hence, filed present application.

4. According to learned Advocate for the applicant, the applicant is lady and the main allegations against her husband who has already been arrested and released on bail. There is no active role attributed to the applicant. She has a small child who needs care, therefore, her custodial interrogation is not necessary.

5. Learned APP submits that the allegations are serious, therefore, custodial interrogation is necessary.

6. On perusal of the material on record, it appears that this Court by order dated 20th October, 2022 protected the applicant. There is no material on record to show that the applicant has not co-operated with investigation. Investigation is completed and charge-sheet has been filed. Therefore, the interim relief granted by this Court on 20th October, 2022 deserves to be confirmed on the same conditions with the additional conditions as under:

a) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

b) The applicant shall regularly remain present during the trial,

and co-operate with the Hon'ble court to complete the trial for the above offences.

7. Both these applications stand disposed of.

(AMIT BORKAR, J.)