

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

ANTICIPATORY BAIL APPLICATION NO. 3481 OF 2022

Radhika Rajesh Darekar	... Applicant
v/s.	
The State of Maharashtra	 Respondent

**WITH
INTERIM APPLICATION NO. 415 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO. 3481 OF 2022**

Munish Srinath Singh	 Intervenor
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In the matter between :-

Radhika Rajesh Darekar	... Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Raja Thakare, Sr. Advocate a/w. Mr. Akash Kavade and
Mr. Siddharth Jagushte i/b. Ms. Aishwarya Sharma for the Applicant.
Mrs. A.A. Takalkar, APP for the State.
Mr. Ashwinkumar Deore for the Intervenor.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 12th APRIL, 2023.

P. C. :-

. This is an Application under section 438 of Cr.PC. filed by the aforesaid Applicant apprehending her arrest in C.R.No.1616/2022 registered with Dahisar Police Station, Mumbai for offences punishable under sections 307 r/w. 34 of the Indian Penal Code.

2. Heard learned counsel for the Applicant, learned APP for the State and learned counsel for the Intervenor. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The crime against the Applicant was registered pursuant to the FIR lodged by Munish Shrinath Singh, the father of the injured. The material on record prima facie reveals that on 12/11/2022, the co-accused – Amey, the son of the Applicant, injured and Devesh Lad were present on the terrace of La-beleza building and consumed alcohol and other eatables. The witness Devesh left the place at about 04:20 a.m. to 04:25 a.m. The records reveal that the co-accused Amey Darekar brought the injured to the lift and with the help of security guards, he put the injured in a rickshaw and took her to his residence and thereafter, the Applicant dropped the injured to her residence at about 08:00 a.m.

4. There is no prima facie material to show the involvement of the Applicant – Radhika Darekar in inflicting any injuries. She was not present at the place of the incident. The only accusation against her is

that she had dropped the injured home without taking her to the hospital. These allegations would not per se lead to an inference that she was involved in committing the crime. Learned APP states that charge sheet is already filed. No case is made out for custodial interrogation.

5. Under the circumstances, this is a fit case to exercise discretion under section 438 of Cr.P.C. in favour of the Applicant. Hence, the Application is allowed on the following terms and conditions :-

(a) In the event of arrest of the Applicant in C.R.No.1616/2022 registered with Dahisar Police Station, Mumbai, she shall be released on bail on furnishing bail bonds in the sum of Rs.20,000/- with one or two sureties in the like amount ;

(b) The Applicant shall report to the Investigating Officer as and when required by the Investigating Officer ;

(c) The Applicant shall not interfere with the Complainant and the other witnesses and shall not tamper

with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case in any manner ;

(d) The Applicant shall keep the Investigating Officer informed of her current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

6. The Application stands disposed of. Interim Application stands disposed of in view of disposal of Anticipatory Bail Application.

PREETI
H
JAYANI

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by PREETI H
JAYANI
Date: 2023.04.26
17:53:46 +0530

(SMT. ANUJA PRABHUDESSAI, J.)