

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 128/2023
Sau. Tara w/o Suresh Wankhade vs. State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R. D. Rupnarayan, Advocate for applicant.
Mr. M. J. Khan, A.P.P. for non applicant-State.

CORAM : ANIL L. PANSARE, J.
DATE : APRIL 10, 2023.

The applicant is apprehending arrest in Crime No.27/2023, registered with Police Station Gadgenagar, District Amravati for the offences punishable under Sections 384, 385, 420, 419, 168, 471 read with Section 34 of the Indian Penal Code, 1860.

2. The accusation against the applicant, as can be seen from the First Information Report, is that she has prepared false marriage certificate. She claims herself to be the wife of informant. According to the informant, he has already married to one Saraswati. The marriage has been solemnized on 13.05.1990. Name of Saraswati is recorded in service book as well. The applicant, in an attempt to get the amount from the pension to be released in informant's favour, has approached the co-accused Siddharth and Minakshi, who were running an Arbitral Tribunal at Amravati.

3. Taking pause here, it transpires that these co-accused are illegally running Arbitral Tribunal. The tribunal has dealt with family disputes, labour disputes, child custody matters and so on.

Siddharth Ramteke has been arrested and is behind the bars. Minakshi Malode is avoiding her arrest despite her anticipatory bail having been rejected.

4. Nonetheless, in the present case, the marriage certificate so also the birth certificate have been found to be genuine. Thus, it appears that the informant has married the applicant and out of the said wedlock, the informant and applicant have a daughter aged about 22 years. The applicant is running from pillars to post for getting maintenance. In doing so, she has approached this illegal Arbitral Tribunal. The allegation is that the applicant, in connivance with the co-accused, has prepared a false case and have pressurized the informant to sign stamp papers and blank papers. Further allegation is that they have demanded Rs.5,000/- of which Rs.2500/- has been paid to co-accused Siddharth. There is no allegation that part amount has been paid to the applicant nor is there any material to indicate, at least at this stage, that the applicant has prepared false case in connivance with the co-accused. It will not be out of place to mention here that number of litigants in Amravati have been misled by the so called illegal Arbitral Tribunal run by the co-accused herein. The applicant appears to be one of them.

5. The FIR then refers to the incident dated 10.09.2022 wherein it is alleged that the applicant has assaulted the informant by means of fist blows. She has allegedly snatched his mobile, Rs.600/- and a phone diary. To these allegations, the applicant has come up with a case that she has not snatched mobile but the informant has thrown the mobile at her. The mobile has now been handed over to the investigating officer.

6. With the above set of facts, the learned A.P.P. has opposed the application on the ground that Rs.600/- and phone diary is to be recovered at the instance of the applicant. The statement, however, did not consider the fundamental flaw in the report lodged by the informant. The basic allegation that the applicant has prepared bogus marriage certificate and that she has, in connivance with the co-accused, prepared false case against the informant and obtained the order from the Arbitral Tribunal, by which the Chief Executive Officer, Zilla Parishad, Amravati has withheld pensionary benefits of the informant. It appears that the marriage certificate is genuine. The foundation of the case that the marriage certificate has been forged by the applicant is thus found to be incorrect. Further, there is no material to suggest that the applicant has, in connivance with the accused, prepared false case against the informant. What applicant appears to have done is that she has approached the Arbitral Tribunal, oblivious of the fact that the tribunal is being run illegally. Therefore, what has co-accused done is something that ought to have been investigated in this crime. The investigating officer ought to have been mindful of the fact that there can be another angle to the present case, which is suggestive of the fact that the applicant has been victimized firstly by the informant and secondly by the Arbitral Tribunal. Hopefully, the investigating officer will conduct investigation considering all attending circumstances.

7. Basically, the dispute appears to be between a husband and wife. In that context, recovery of Rs.600/- and phone diary is

something that can be achieved if the applicant is directed to attend the police station and to cooperate in the investigation. When inquired, there are no criminal antecedents against the applicant.

8. In view of above, considering the peculiar facts and circumstances of the case the applicant has made out a case for grant of relief. Hence, following order.

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in No.27/2023, registered with Police Station Gadgenagar, District Amravati for the offences punishable under Sections 384, 385, 420, 419, 168, 471 read with Section 34 of the Indian Penal Code, 1860 applicant – Sau. Tara Suresh Wankhade, be released on bail on she furnishing P.R. Bond in the sum of 25,000/- with one surety in the like amount.
- (iii) The applicant shall attend Police Station, Gadgenagar, Amravati as and when called by the investigating officer, till filing of the charge-sheet and shall cooperate in the investigation. The attendance may be treated as custody for the purpose of discovery of articles under Section 27 of the Indian Evidence Act, 1872.
- (iv) The applicant shall, at the time of execution of bond, furnish her address and telephone/mobile number(s) to the Investigating Officer and to the Court concerned and shall not change the same till the final disposal of the case.
- (v) 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/her from disclosing such facts to the Court or any Police Officer.

(vi) The applicant shall not obstruct or hamper the police investigation and shall not play mischief with the evidence collected or yet to be collected by the Police.

(vii) The applicant shall maintain law and order.

(viii) In case of breach of any conditions, the learned trial court is at liberty to cancel the bail after giving opportunity of hearing to both the sides.

The application is disposed of.

(Anil L. Pansare, J.)

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