

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,**  
**NAGPUR BENCH, NAGPUR.**  
**CRIMINAL APPLICATION (ABA) NO.294 OF 2023**  
(Kiran w/o Rajesh Kumbhalkar Vs. State of Maharashtra)

Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order

Court's or Judge's Order

Shri S.L. Raut, Advocate a/w Shri P.P. Ambade, Advocate for the  
applicant.  
Shri S.M. Ghodeswar, APP for the non-applicant/State.

**CORAM:- URMILA JOSHI-PHALKE, J.**  
**DATED :- JUNE 23, 2023.**

Heard.

2. By this application the applicant is seeking anticipatory bail in the event of her arrest in connection with Crime No.317/2022 registered at police station Parshioni, Nagpur Rural for the offence punishable under Sections 420, 465, 467, 468, 471, 120-B read with Section 34 of the Indian Penal Code.

3. The applicant is apprehending arrest at the hands of the police as crime is registered against her on the basis of report lodged by Vinod Pundlik Aadmane. As per the allegation in the F.I.R., present applicant who is the wife of the co-accused who has allegedly cheated the informant and his wife to the tune of Rs.16,93,000/- on the count that he will purchase an agricultural land and create a layout and after selling the same will give 50% profit to the informant. The co-accused Rajesh Kumbhalkar also shown agreement to sell entered with the land owners and insisted the informant and his wife to

invest in the project. Later on, the informant came to know that no such agreement has been executed therefore, he lodged the report.

4. As per the contention of the applicant that the entire allegations are against her husband. She is implicated only because she is the wife of the co-accused. Her physical custody is not required, and therefore, she be protected by granting anticipatory bail.

5. Said application is strongly opposed by the Additional Public Prosecutor appearing for the State on the ground that the applicant and her husband both in furtherance of common intention, obtained the money and cheat the informant and his wife. Her physical custody is required and prays for rejection of the application.

6. Heard learned Counsel for the applicant and learned Additional Public Prosecutor. They reiterated the contention. Perused the First Information Report. The entire allegation in the FIR is against the co-accused, who is the husband of the present applicant. It is apparent that merely because she is the wife of the co-accused, she is implicated as an accused. Considering the nature of allegation her physical custody is not required, and therefore, she was protected by granting ad-interim anticipatory bail.

7. Considering the nature of the allegation the anticipatory bail granted to her deserves to be confirmed. Accordingly, I proceed to pass the following order :

- (i) The application is allowed.
- (ii) The applicant/accused – Kiran w/o Rajesh Kumbhalkar in the event of arrest in Crime No.317/2022 registered at police station Parshioni, Nagpur Rural for the offence punishable under Sections 420, 465, 467, 468, 471, 120-B read with Section 34 of the Indian Penal Code, be released on anticipatory bail on executing P.R. Bond in the sum of 25,000/- (Rs. Twenty five thousand) with one surety in the like amount.
- (iii) The applicant/accused shall attend the concerned Police Station as and when required for investigation purpose.
- (iv) The applicant shall furnish her cell phone number and address along with address proof. Additionally, she shall furnish the names of her two closed relatives and their address along with address proof.
- (v) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case and shall not tamper the prosecution evidence.

**(URMILA JOSHI-PHALKE, J.)**