2023:BHC-NAG:14445

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

Criminal Application [ABA] No.565 of 2023

Vinita Arjunkumar Rathod
vs.
State of Maharashtra, through P.S.O. Pusad, Distt. Yavatmal

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Office notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

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Mr. R. Waghmare, Advocate for the Applicant.
Mrs. M.A. Barabde, A.P.P. for the Non-Applicant.

CORAM : M.W. CHANDWANI, J.
DATE : 4th OCTOBER, 2023.

Apprehending arrest in connection with Crime No.456/2023, registered with Police Station Pusad (City), District Yavatmal, for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code, the applicant has filed the present application for anticipatory bail.

02] Heard the learned Counsel for the applicant as well as the learned A.P.P. for the State.

03] Having gone through the case diary, it transpires that the complainant is the father-in-law of the applicant, who lodged a complaint with the police station alleging that his son co-accused Arjunkumar Rathod and the present applicant executed a false gift-deed in favour of their son viz. Shubham Arjunkumar Rathod, through the applicant, by posing a dummy person in place of the complainant, at Sub-Registrar Office at Pusad, District Yavatmal vide Document No.Pusad/2915/2023 on 31st May, 2023. When the complainant came to know the said fact, he lodged the aforesaid complaint and on his complaint, the aforesaid offence came to be registered against the present applicant and other co-accused.

04] The learned Counsel appearing on behalf of the applicant submits that the applicant has no role to play in the crime. The husband of the applicant has already been arrested by the police and he has also been released on bail. It is contended that the alleged gift-deed has already been recovered and nothing is required to be seized from the applicant. Hence, he seeks to release the applicant on anticipatory bail.

05] The learned A.P.P. appearing on behalf of the State submits that various details are required to be obtained from the applicant. The applicant is also involved in the crime along with his husband. The documents are to be recovered from the applicant. Hence, she objected to the bail application.

06] It appears that by order dated 10/08/2023, the husband of the applicant Arjunkumar Rathod has been released on regular bail in the said offence. It also appears that the applicant is already protected granting *ad interim* anticipatory bail. She has attended the concerned police station and co-operated with the investigation, as directed by the Court. Copy of the gift-deed has already been collected by the Investigating Officer, which goes to show that most part of the investigation is already over. The custodial interrogation may not be required. The applicant is a lady. There is no likelihood that the she will flee away from justice.

07] Considering all these aspects, a case is made out for exercising discretion in favour of the applicant. Hence, the application is allowed. The interim order granted by this Court on 22/08/2023 is hereby confirmed.

JUDGE

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