



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

CRIMINAL APPLICATION (ABA) NO. 742/2023

PUSHPA WD/O. PRADEEP DESHMUKH

VS

THE STATE OF MAH. THR. PSO, PS, WASHIM CITY, DIST. WASHIM.)

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

Court's or Judge's Order

Mr. Bhushan Dafle, counsel for the applicant.

Mrs. D.I. Charlewar, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 19/12/2023.

1. By this application, the applicant is seeking pre-arrest bail, in connection with Crime No.107/2022 registered with Police Station Washim City, District Washim for the offences punishable under Sections 406, 409, 420, 506 read with Section 34 of the Indian Penal Code. The applicant approached this Court for grant of anticipatory bail.

2. As per the accusation against the present applicant, he is one of the partners in Ganesh Dal Mill. The brother-in-law and his sons along with other applicants are running the said Mill and the transaction has taken place. The cheques were given by the owner of the Dal Mill are dishonoured and the complaints are filed under Section 138 of the Negotiable Instruments Act.

3. Mr. Bhushan Dafle, learned counsel for the applicant further submitted that now the investigation is

completed and charge-sheet is filed, custodial interrogation of the present applicant is not required.

4. The learned counsel for the applicant has stated that after filing of the complaint under Section 138 of the Negotiable Instruments Act, the FIR is lodged. The other co-accused are already protected by granting anticipatory bail. The applicant is a widow and partner of the said Dal Mill. There is no active participation by her in the transactions, her custodial interrogation is not required, and prays for confirmation of the protection granted to her.

5. The learned APP strongly opposed the present application on the ground that custodial interrogation of the present applicant is required, as the allegations are serious in nature, that she has misappropriated the goods received by the Mill, and thereby caused heavy loss.

6. After hearing the learned counsel for the applicant and learned APP for the State. Perused the investigation papers, it reveals that the complaint under Section 138 of the Negotiable Instruments Act has already been filed. As far as the allegations against the present applicant is concerned, which is general in nature. Nothing is on record to show that she has actively participated in the transaction that took place between the other co-accused and the informant. Now, the investigation is already completed and charge-sheet is filed, further custody of the applicant is not required.

7. In view of that, criminal application deserves to be allowed. Accordingly, I proceed to pass the following order:

- a. The criminal application is **allowed**.
- b. In the event of her arrest, in connection with Crime No.107/2022 registered with Police Station Washim City, District Washim for the offences punishable under Sections 406, 409, 420, 506 read with Section 34 of the Indian Penal Code, the applicant -Pushpa wd/o Pradeep Deshmukh, is released on anticipatory bail on executing P.R. Bond in the sum of Rs. 15,000/- with one solvent surety in the like amount.
- c. The applicant shall attend the concerned police station as and when required for the investigation purpose and shall co-operate with the investigation.
- d. The applicant shall not tamper with the prosecution evidence or shall not induce, threat or pressurize any witnesses, who are connected with the crime.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J]