



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 379 OF 2024

Manisha Manohar Gawas,
Age : 35 years, Occu. Housewife,
R/o. Plot No. 30, Gat No. 35,
Near Datta Mandir, Muktai Nagar,
Jalgaon, Taluka and District Jalgaon. ... Applicant

Versus

1. The State of Maharashtra
Through Police Station Officer,
Jalgaon City Police Station,
Taluka and District Jalgaon.
2. The Superintendent of Police,
Jalgaon, District Jalgaon. ... Respondents

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Advocate Suryawanshi for the Applicant.
Mrs. Chaitali Choudhari Kutti, APP for Respondents.

CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 02.04.2024

Pronounced on : 03.04.2024

ORDER :

1. Apprehending arrest in crime no. 11 of 2024 registered with Jalgaon City Police Station, District Jalgaon for offences punishable under Sections 384, 385, 387, 389, 342, 324 r/w 34 of the Indian Penal Code [IPC], applicant has preferred instant anticipatory bail application.

2. Learned counsel for the applicant at the outset pointed out that this Court had granted ad-interim anticipatory bail to the applicant by order dated 07.03.2024. It is further pointed out that above crime is registered on 12.01.2024. Apparently, FIR is against four unknown persons. Subsequently, police machinery is coming with a case of involvement of seven accused. That, no test identification parade has been conducted even when complainant and alleged persons, who met him, were strangers. Learned counsel pointed out that apparently story is false and fabricated. There is nothing to show involvement of applicant, who is in fact a house maker. According to her, main accused and other two accused persons are already given benefit of anticipatory bail as well as regular bail. That, nothing is to be recovered. That, as applicant is ready to co-operate, learned counsel prays to confirm the ad-interim anticipatory bail by allowing the anticipatory bail application.

3. Strongly opposing the application, learned APP pointed out that she is in receipt of investigation papers which show that there is a racket which is operating in Jalgaon city. That, investigation revealed that lady members take initiative in giving calls to persons and then solicit their company and finally take them to a premises and they are then forced to get stripped by beating, and alleging rape they are

threatened and their belongings as well as cash are forcibly taken away and they are robbed. That, it is serious crime. Learned APP pointed out that investigation is still underway. Present applicant is found to be the main accused. That recently, another citizen had approached naming present applicant for indulging in similar act with him. Therefore, considering such nature of allegations and in the interest of proper investigation, she submits that, custody of applicant is necessary to unearth the illegal activities of said racket. Hence, she prays to dismiss the application, as according to her, custodial interrogation is must.

4. It seems that on registration of crime on 12.01.2024 at Jalgaon City Police Station for above offences, applicant, a lady, had approached this Court, at that stage with prayers for relief of ad-interim anticipatory bail. At that time, considering the FIR alone and the remand report, this Court had extended benefit of ad-interim anticipatory bail i.e. by order dated 07.03.2024 and on request of prosecution, time was given to gather papers and till then interim protection was granted.

5. Today, learned APP has produced the investigation papers before this Court. It seems that thereafter, police machinery has

drawn spot panchanama and apprehended owner/tenant of the premises where alleged incident had taken place. It seems that informant received a call from a lady and he was invited to meet and thereafter, he was taken to a premises. FIR shows that in said premises, already another lady was present. The lady, who developed contact with him and made call, got undressed and thereafter two more male persons entered and they beat informant and made him get stripped and made him sleep over the lady, who invited him and took him to the premises, and thereafter, some videography was said to be done. Thereafter, amount of Rs.50,000/- was demanded and he was also stripped of his belongings, including his own mobile. Probably, because of the same, complainant merely lodged FIR and did not provide details of the phone on which contact was allegedly developed with him. Informant has given description of two male persons as well as two females, i.e. four persons, who indulged in above act on said day.

6. Now, investigating machinery seems to have received a statement of another citizen and he has given statement that he too was honey trapped and said citizen has specifically named present applicant for soliciting his company. Therefore, as on today, investigating machinery seems to have laid its hands on something

concrete against present applicant. Learned APP has submitted that according to the investigating machinery, there is a racket operating in the city and it is indulging in such crimes and therefore, thorough investigation is necessary. Taking above submissions into consideration and on taking into account the police papers, thorough investigation seems to be essential. Though some accused are said to be beneficiaries of bail orders by trial court, considering the nature of allegations as against present applicant, applicant cannot seek parity.

7. Therefore, in the considered opinion of this Court, this is not a fit case to confirm the ad-interim anticipatory bail. Hence, I proceed to pass the following order.

ORDER

- I. The ad-interim anticipatory bail granted by this Court by order dated 07.03.2024 stands vacated.
- II. The Anticipatory Bail Application is rejected.

[ABHAY S. WAGHWASE, J.]