

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.1073 OF 2024

Vaishali Deepak Kolhe Applicant

versus

The State of Maharashtra Respondent

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- Mr. B. J. Shaikh, Advocate for Applicant.
- Mr. C. D. Mali, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 26th APRIL, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.672/23, dated 01/11/2023, registered with Malad Police Station, Mumbai, under sections 308, 364-A, 342, 326, 504, 506(2) r/w 34 of the Indian Penal Code.

2. Heard Mr. B. J. Shaikh, learned counsel for the Applicant and Mr. C. D. Mali, learned APP for the State.

3. The FIR is lodged by one Bharat Waghela. He has stated that about 1 ½ years prior to the FIR he came in contact

with one Rohit Irkar, who represented to the informant that he was in a position to get jobs for needy people in fire brigade and private service on contract basis. But he demanded Rs.2 lakhs per person. In January 2023, Bhushan and Deepak were introduced to the informant by his friend Pramod. They wanted a job. Therefore, the informant took Rs.12 lakhs for giving job to these people. Out of that amount, the amount of Rs.8 lakhs was given by the informant to Rohit Irkar. After that, Rohit disappeared and did not return the money. Out of the balance amount, the informant returned Rs.1.5 lakhs to Deepak. But the other amount could not be returned. Therefore, Bhushan, Deepak and others were harassing him. There are allegations in the FIR that on 28/10/2023 upto 31/10/2023, the informant was abducted and was taken to various places. He was assaulted. He was tortured. The details of this harassment are mentioned in the FIR. The present Applicant is not concerned with those incidents.

4. The FIR further mentions that on 01/11/2023 those assailants told him that he should take them to his mother's

place and handover the property documents. After that, the accused Bhushan, Deepak and Deepak's wife Vaishali who is the present Applicant went to the informant's mother's flat. There are allegations that all of them entered that flat forcibly. They pulled the informant's mother Gangubai and sister-in-law Neeta and her two children. They abused both of them and again threatened the informant. At that time, police officers of Malad police station reached there and took all of them to the police station. This is the narration in the FIR.

5. Learned counsel for the Applicant submitted that the allegations against the Applicant are not true. There are at least six offences registered against the first informant. He has named the present Applicant to pressurize her husband and herself. There are unsubstantiated allegations. He submitted that the Applicant has 7 year and 14 year old children. If the Applicant is arrested on these false allegations, it would cause prejudice to the Applicant and her children, which would be irreparable.

6. Learned APP opposed these submissions and produced the investigation papers before me. He submitted that there are

serious allegations against the accused and there is a specific role attributed to the present Applicant of having entered the informant's mother's flat and of taking part in the entire episode.

7. I have considered these submissions. The main allegations in the FIR are against Bhushan and Deepak. There are no allegations against the Applicant in the first part of the incident. The Applicant had taken part only in the incident dated 01/11/2023, when she allegedly had entered the house of the informant's mother along with the other accused. I have considered statements of the informant's mother Gangubai. She has stated that on 01/11/2023 when she, Neeta and Neeta's daughters were at home at about 09.00 a.m.; Bhushan, the first informant and 3 to 4 persons came to their house. They forcibly removed Gangubai, Neeta and her daughters from the flat. She called her other son Sandip, who in turn called the police. Within a short time, the police reached there and took all of them to the police station. She has not stated that the Applicant had accompanied these accused or that the Applicant had abused or threatened or assaulted either Gangubai, Neeta or her

daughters. Therefore, there are hardly any allegations against the present Applicant. The main allegations are against the other accused. In this view of the matter, her custodial interrogation is not necessary. She has two children. This is an additional factor that I am taking into account. In the background of this, the Applicant deserves protection u/s 438 of Cr.P.C.

8. Hence, the following order :

ORDER

- (i) In the event of her arrest in connection with C.R.No.672/23, dated 01/11/2023, registered with Malad Police Station, Mumbai, the Applicant is directed to be released on bail on her furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall cooperate with the investigation.
- (iii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)