

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

ANTICIPATORY BAIL APPLICATION NO.1257 OF 2024

Archana Sambhaji Jagtap	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Nagesh Y. Chavan, Advocate for the Applicant.
Ms. Rajeshree V. Newton, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 06th MAY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.129/2024 registered at Nigdi Police Station, Pimpri Chinchwad on 27.3.2024 under sections 365, 323, 504, 506 read with 34 of IPC.

2. Heard Mr. Nagesh Chavan, learned counsel for the Applicant and Ms. Rajeshree Newton, learned APP for the Respondent-State.

3. The FIR is lodged by Nitin Kaul. He has stated that on 27.3.2024 at about 10.30 a.m., he received a phone call from his friend Anand, who called the informant to Hotel Angan. The informant reached there at 12.15 p.m. Anand was present there. Two accused Amit and Sujit came there. They abused Anand and threatened him to put his signature on some document. Anand sought some time from them. Both the accused left the place. After some time at about 12.50 p.m. both these accused along with the present Applicant and one Krushna Jadhav again came back in the same car. This time, they forced Anand to sit in that car and took him away. The informant followed them. He could see that Anand was being assaulted in the car. The informant called the police helpline number. The police came there and rescued him. On that basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that there is a dispute about the Partnership between Anand on one hand and the present Applicant and others on the other. The Applicant's husband Shrikrishna Jadhav has given his

complaint to the Commissioner of Police, Pimpri Chinchwad on 18.3.2024. He had also given one more complaint much earlier on 9.10.2023 to the Police Inspector, Bhosari police station. In both these complaints, the Applicant's husband had pointed out as to how Anand had misappropriated his money and as to how he was threatening the Applicant's husband instead. Learned counsel, therefore, submitted that the story in the FIR is not true and the Applicant deserves protection under Section 438 of Cr.PC.

5. Learned APP opposed these submissions by relying on the statements in the FIR as well as by referring to the statement of the victim Anand.

6. I have considered these submissions. Anand had given history of the dispute between both the parties. As far as the incident is concerned, he has narrated it in the same manner as it is narrated in the FIR. He has added that he was forced to sit in the car and the accused told him that he would be taken to the C.P.'s office but he was not taken there and the car was stopped at a corner. Sujit pressed his throat,

Shrikrishna Jadhav beat him with fists. It is alleged that the Applicant was telling the victim to sign the Partnership form. The car was then taken to Kasarwadi. Shrikrishna gave a blow with iron rod on his shoulder. Within some time, the owner of that place Shrikrishna and his friend Amit came there. All of them then sat in a cabin and they were discussing the terms and conditions. In the meantime, the police came there and took all of them to Nigdi police station.

7. Thus, the victim's statement shows the lesser role played by the present Applicant. She is a lady. After the victim was taken in the car he was taken to the office at Kasarwadi, the police came there and rescued him. Throughout this, the Applicant was present but beyond that no specific role of assault is attributed to her. In any case, she is a lady. In the background of these allegations, the Applicant's custodial interrogation will not serve any purpose. It is sufficient if she cooperates with the investigation. Hence, the following order :

ORDER

- (i) In the event of her arrest in connection with C.R.No.129/2024 registered at Nigdi Police Station, Pimpri Chinchwad, the Applicant is directed to be released on bail on her furnishing a 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 attend the concerned police station as and when called and shall cooperate with the investigation.
- (iii) Anticipatory Bail Application stands disposed of accordingly.

Digitally signed
by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date:
2024.05.07
11:52:42 +0530

(SARANG V. KOTWAL, J.)

Deshmane (PS)