

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2550 OF 2024**

Prankita Suraj Pawar	...	Applicant
vs.		
The State of Maharashtra and another	...	Respondents

Mr. Adhik Kadam, i/b. Tanvir Jahagirdar for applicant.

Mr. Babu V. Holambe-Patil, APP for respondent No.1-State.

**CORAM : MANISH PITALE, J.
DATE : 23rd SEPTEMBER, 2024**

P.C. :

1. Heard learned counsel for the applicant and the learned APP for the respondent No.1-State.

2. The applicant herein is apprehending arrest as she is arraigned as an accused in FIR No. 0585 of 2024 dated 23.05.2024, registered at Kondhwa Police Station, District Pune City for offences under Sections 376(2)(n), 377, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860 (IPC).

3. The learned counsel for the applicant submits that considering the role attributed to the applicant in the statement of the informant, leading to registration of FIR, it cannot be said that the applicant is concerned with the serious offences under Sections 376(2)(n) and 377 of the IPC, which mainly concern the principal accused person i.e. the husband of the applicant. On this basis, it is submitted that the present application may be allowed.

4. The learned APP submits that the role of the applicant is evident from the statement of the informant, which appears to be limited to the applicant having allegedly assaulted and threatened the informant.

5. Considering the allegations levelled against the applicant, even as per the statement leading to registration of FIR, it is seen that, at worst, the overt

acts attributed to the applicant are relatable to offences under Sections 323, 504 and 506 of the IPC. Evidently, the applicant is not concerned with the offences under Sections 376(2)(n) and 377 of the IPC, registered against the co-accused person. The overt acts attributed to the applicant, even if accepted, do not justify physical custody of the applicant, so long as she is ready to co-operate with the investigation.

6. In view of the above, the application is allowed in the following terms:

- (i) In the event the applicant is arrested in connection with FIR No. 0585 of 2024 dated 23.05.2024, registered at Kondhwa Police Station, District Pune City, she shall be released on bail on furnishing PR Bond of ₹ 15,000/- with one or two sureties in the like amount to the satisfaction of the trial Court;
- (ii) The applicant shall remain present before the Investigating Officer if required.
- (iii) The applicant shall not tamper with the evidence of the prosecution in any manner. She shall not influence the informant, witnesses and other persons concerned with the case.
- (iv) The applicant shall co-operate with the investigation and also in the proceedings before the trial court.

7. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

8. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial court shall proceed further in the matter without being influenced by the observations made hereinabove.

9. The application stands disposed of.

(MANISH PITALE, J)