

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3365 OF 2024**

Sarika Mayaram Pardeshi ... Applicant
vs.
The State of Maharashtra ... Respondent

Dr. Uday P Warunjikar a/w. Ms. Sonali R. Chavan and Mr. Dattaram Bile,
i/b. Mr. Sumit S. Kate for applicant.

Mr. Prasanna P Malshe, APP for respondent-State.

Mr. Nyamane, API and Mr. Nighot, H.C., Chakan Police Station, District
Pimpri-Chinchwad.

CORAM : MANISH PITALE, J.

DATE : 11th DECEMBER, 2024

P.C. :

. Heard learned counsel for the applicant and the learned APP
for the respondent-State.

2. The present application is filed in the backdrop of an order dated 06.12.2024, passed by the Court of Additional Sessions Judge, Khed-Rajgurunagar, District Pune, whereby prayer for interim relief made on behalf of the applicant in her pending anticipatory bail application before the said Court, was rejected and notice was issued to prosecution.

3. This Court is informed that the said pending application is listed tomorrow before the aforesaid Court. But, in the absence of interim relief, if the applicant is arrested, not only the said pending application before the concerned Court will be rendered infructuous, but the opportunity to approach this Court would also stand frustrated. In this situation, this Court has taken up the application for consideration.

4. The applicant is apprehending arrest in connection with FIR No.0885 of 2024 dated 01.12.2024, registered at Chakan Police Station, District Pimpri-Chinchwad, for offences under Sections 352, 351(2), 189(2) and 118(1) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

5. The allegation against the applicant is that she was present alongwith the co-accused persons on the date and time of the incident and being an advocate, she claimed that she knew the law and certain statements were made addressing the informant. Thereafter, there is a general and omnibus allegation about the applicant having joined the other co-accused persons in assaulting the victim by means of stones.

6. The offence under Section 118(1) of the BNS is non-bailable offence. This Court is informed that subsequently, offence under Section 119(1) of the BNS was also added, which pertains to causing grievous hurt and the same is also non-bailable.

7. The learned counsel for the applicant submits that even if the allegations levelled against the applicant, are to be taken into account, the ingredients of the aforesaid serious offences are not made out. It is further brought to the notice of this Court that this is a case of cross-FIRs, as an FIR bearing No.0884 of 2024 was registered on the same day prior in point of time, at the behest of the applicant and serious offences have been registered therein against the informant herein and another accused person. In this situation, this Court may consider passing appropriate orders, so that the applicant is protected from any coercive action.

8. The learned APP submits that a report is called as regards the injuries suffered by the victim in the present case, which would demonstrate the extent of violence inflicted upon the victim.

9. In the peculiar situation in which the applicant is constrained to approach this Court, it would be appropriate that the present application is kept pending, but the question of interim relief is taken up for consideration.

10. Having read the contents of the statement of the informant, leading to registration of FIR, this Court finds that the main allegation against the applicant appears to be that she claimed to be an advocate, having knowledge of law and in that context, having made certain statements addressing the informant. The aforesaid allegation *prima facie* does not show the ingredients of the serious offences registered in the present case.

11. The subsequent portion of the statement of the informant makes a general and omnibus allegation against the applicant and other co-accused persons about having assaulted the victim by means of stones, hands and fists. The cross FIR was filed at the behest of the applicant prior in point of time. In such a situation, this Court is convinced that a case for granting interim relief is made out by the applicant.

12. In view of the above, there shall be interim relief in the following terms:

(a) Till the next date, in the event the applicant is arrested in connection with FIR No.0885 of 2024 dated 01.12.2024,

registered at Chakan Police Station, District Pimpri-Chinchwad, she shall be released on bail on furnishing PR Bond of ₹ 15,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.

- (b) The applicant shall appear before the investigating officer as and when required by the investigating officer.
- (c) The applicant shall not influence the informant, witness or any person concerned with the case and shall not tamper with the evidence. She shall co-operate with the investigation.

13. The violation of any of the aforesaid conditions may result in this order being cancelled.

14. Needless to say, since this Court has passed only an interim order, the pending application before the aforesaid Court shall be disposed of at the earliest.

15. List for further consideration on 16.01.2025, High on Board.

(MANISH PITALE, J)

Priya Kambli