



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.217 OF 2024
(Bhagyashri w/o Naresh Nikam Vs. The State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. S.S. Shigane, Advocate for the applicants.
Ms R.V. Sharma, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- APRIL 22, 2024.

Heard.

2. Apprehending the arrest at the hands of police in connection with Crime No.832/2023 registered under Sections 279, 337 and 326 read with Section 34 of the Indian Penal Code, the applicant approached to this Court for grant of pre-arrest bail.

3. The learned Counsel for the applicant submitted that the applicant is involved falsely in the alleged offence. In fact, there is no material against the present applicant to connect her with the alleged offence. He further submitted that mere presence of the present applicant at the spot of incident due to which she was implicated as an accused. He submitted that as far as the role of the present applicant is concerned, merely because she is not saved she is implicated falsely in the alleged offence. In view of that, she be protected by granting anticipatory bail.

4. Learned APP strongly opposed the application on the ground that there was an illicit relations between the co-accused and the present applicant and out of their said illicit relationship the injured was attacked by the co-accused and attempted to commit his murder. As far as the present applicant is concerned who was present at the spot but she has not attempted to save the injured is sufficiently shows the involvement of the present applicant, and therefore, the application deserves to be rejected.

5. Having heard the learned counsel for the applicant and the learned APP for the State, perused the recitals of the FIR. As far as the allegation against the present applicant is concerned which is only to the extent that though she is present on the spot as she is having illicit relations with the co-accused and there was communication between them prior to the incident, she has not attempted to save the deceased she seems to be implicated in the present crime. Considering the role attributed to her except the bare statement there is no material on record to show that her involvement in the alleged offence. Moreover, her custodial interrogation is not required as nothing is to be recovered from her. In view of that, the ad-interim protection granted to the present applicant deserves to be confirmed.

6. Hence, the application is allowed and the interim protection granted to the applicant vide order

dated 02/04/2024 is hereby confirmed on the same terms and conditions.

7. The application is disposed of accordingly.

(URMILA JOSHI-PHALKE, J.)

**Divya*