



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 308 OF 2024

Hiralal Krushnaji Ramteke and another V/s 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. R.B. Gaikwad, counsel for the applicants.

Mr. S.S. Hulke, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 20/06/2024.

1. Learned counsel for the applicant seeks permission to withdraw the application as far as the applicant No.1 is concerned.
2. Permission is granted to withdraw the application as regards the applicant No.1-Hiralal Krushnaji Ramteke.
3. Apprehending the arrest at the hands of police in connection with Crime Number 325/2024 registered with Police Station Pulgaon, District Wardha for the offence punishable under Sections 324, 325, 326 read with Section 34 of the Indian Penal Code, 1860, the applicant No.2 – Karuna Hiralal Ramteke approached this Court for grant of pre-arrest bail.
4. She is apprehending arrest at the hands of police in connection with above said crime as an accusation made against her is on the basis of a report lodged by one Anmol Gulabrao Mankar who has alleged that due to the previous

enmity between her husband and the informant. On 04.04.2024 at about 7.00 p.m. when the informant was proceeding on his motorcycle, and his motorcycle was halted due to some mechanical defect in it, at the relevant time, the present applicant alongwith her husband came by holding iron rod in the hands of her husband and assaulted him on his head as well as on other parts of the body. Due to the said assault, the informant has sustained the grievous injuries.

5. Learned Counsel for the applicant submitted that as far as the present applicant – Karuna Hiralal Ramteke is concerned, no overt-act is attributed to her, and therefore, offence under Section 326 is not made out against her. He submitted that considering the role attributed to the present applicant, she was protected by this Court by granting ad-interim protection. Now, the injury certificate has already been collected and the injured is already discharged from the hospital, the custodial interrogation of the present applicant is not required. In view of that, the interim protection granted to the present applicant deserves to be confirmed.

6. Learned APP though strongly opposed the said application, however fairly submitted that as far as the present applicant is concerned, no overt-act is attributed to her, in view of that appropriate orders shall be passed.

7. After hearing learned counsel for the applicant and learned APP for the State, perused the investigation papers.

There is no dispute as to the fact that the injured has sustained the grievous injuries i.e. also on vital parts of the body. The said injuries are attributed to the co-accused i.e. Hiralal Krushnaji Ramteke, whose application is withdrawn by the learned counsel. As far as the present applicant - Karuna Hiralal Ramteke is concerned, no overt-act is attributed to her, and her custodial interrogation is not required, in view of that, interim protection granted to her deserves to be confirmed. Accordingly, I proceed to pass the following order:

ORDER

- (i) The criminal application is partly allowed.
- (ii) The interim protection granted to the applicant No.2 Sou. Karuna Hiralal Ramteke by order dated 07/05/2024 is hereby confirmed on the similar terms and conditions with modification that she shall attend the concerned Police Station till filing of the charge-sheet.
- (iii) The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]