



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

CRIMINAL APPLICATION (ABA) NO. 613 OF 2024

Varsha d/o Bhimrao Patavkar Vs 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. P.R. Agrawal, counsel for the applicant.

Mr. U.R. Phasate, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 09/09/2024.

1. Present application is preferred by applicant for grant of pre-arrest bail, in connection with Crime No. 220/ 2024, registered with Police Station Deulgaonraja, Tq. Deulgaonraja, District Buldhana for the offence punishable under Sections 395, 452, 504, 506 of the Indian Penal Code, 1860.

2. Learned counsel for the applicant submitted that the crime is registered on the basis of a report lodged by Ankush Purushottam Deshmukh, alleging that there was a previous dispute between the present applicant and his family members on account of the agricultural land. On 01/06/2024, the present applicant and other co-accused entered in his house, abused them, and also threatened them, that they would file a false FIR against them under the provisions of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989. It was further alleged

that the present applicant has snatched the Magalsutra from his wife and committed the theft of the same.

3. Learned counsel for the applicant submitted that this is only to give a counterblast and the earlier FIR filed by the mother of the present applicant is a false FIR. He submitted that, as far as the custodial interrogation is concerned, which is not required. The applicant has attended the concerned police station after she is protected by granting ad-interim protection. In view of that, the interim protection granted to the applicant deserves to be confirmed.

4. The learned APP strongly opposed the said application and submitted that there are three eye-witnesses to the said incident who disclose that the Mangalsutra was snatched by the present applicant. The applicant was interrogated after she appeared before the investigating officer, but she has not cooperated with the investigating agency. In view of that, the anticipatory bail application deserves to be rejected.

5. After hearing learned counsel for the applicant and learned APP for the State, perused the recitals of the FIR, from which it reveals that the mother of the present applicant has lodged the report against the informant and other family members vide crime No. 219/2024 on 01/06/2024 itself. This FIR came to be lodged on 01/06/2024, vide crime No. 220/2024. Thus, it is apparent that cross-complaints are filed by the parties against each

other. It further reveals that there was a previous dispute between the parties on account of agricultural land.

6. Thus, as far as the allegations are concerned and the statement of the eyewitness who are relatives of the informant and considering the fact that the FIR came to be lodged out of the quarrel on account of the agricultural land and the applicant has attended the concerned police station and cooperated with the investigating agency, hence, interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass the following order;

- a] The criminal application is **allowed**.
- b] In the event of arrest, in connection with Crime No.220/2024, registered with Police Station Deulgaonraja, Tq. Deulgaonraja, District Buldhana for the offence punishable under Sections 395, 452, 504, 506 of the Indian Penal Code, 1860, the applicant – *Varsha d/o Bhimrao Patavkar @ Varsha w/o Ravi Chavan* shall be released on ad-interim anticipatory bail on executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety, in the like amount.
- c] The applicant shall attend the concerned police station once in a week on Monday between 10.00 a.m. and 1.00 p.m. till filling of the charge-sheet.

- d] The applicant shall not induce, threat or promise any witnesses who are acquainted with the present case.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]