



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

CRIMINAL APPLICATION (ABA) NO.702 OF 2024

Archana w/o Santosh Thool

Vs.

State of Maharashtra, Through Police Station Officer, Ramnagar,
District Wardha

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M. V. Rai, Counsel for the applicant.
Mr. S. A. Ashirgade, APP for non-applicant /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 07/10/2024

**The word
"Sanhita" is
corrected as
per Hon'ble
Court's order
dated
22.10.2024**

1. Apprehending the arrest at the hands of police in connection with Crime No.683/2024 registered with Police Station, Ramnagar, District Wardha for the offences punishable under Section 316(2), 318(4) of the Bharatiya Nayaya Sanhita, 2023, the applicant approached this Court for grant of pre-arrest bail.

2. Learned Counsel for the applicant submitted that from the recitals of the FIR, it nowhere reveals that the present applicant has either induced the informant to deposit the money, it was the informant who approached the present applicant, shows her willingness to deposit the amount and therefore, she has deposited the amount. He submitted that even accepting that she has issued the cheque to the informant, but she has not

deposited the cheque. It is further alleged that the informant has obtained the loan from the present applicant, which was not paid by the present applicant and therefore, she has duped the informant.

3. He submitted that even considering the entire allegation as it is, at the most, it is a civil dispute between the applicant and the informant. As far as the custodial interrogation is concerned, it is not required. In view of that she be protected by granting ad-interim protection.

4. Learned APP strongly opposed the said application and submitted that the applicant has asked to obtain the loan to the victim and victim has obtained loan by mortgaging her gold ornaments and that amount of the loan is not deposited by the present applicant. Thus, due to the said transactions, the ornaments of the present applicant are in bank. In view of that, the offence is made out against the present applicant and therefore, the prayer for grant of ad-interim protection deserves to be rejected.

5. After hearing the learned Counsel for the applicant and learned APP for the State, perused the recitals of the FIR from which it reveals that it was the informant who approached the present applicant shown her desire to invest the amount. On demand of the said amount, the informant was not in a financial condition to repay the same and therefore,

she has issued the cheque. Thus, considering the entire allegation as it is, at the most, the civil dispute appears to be there and no criminal offence is made out at this stage. However, it is necessary to go through the entire investigation papers, at this stage, immediate custodial interrogation is not required. In view of that, the prayer for grant of ad-interim protection deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(i) In the event of arrest, in connection with Crime No.683/2024 registered with Police Station Ramnagar, District Wardha for the offences punishable under Section 316(2), 318(4) of the Bharatiya Nayaya Sanhita, 2023, the applicant **Archana w/o Santosh Thool** shall be released on ad-interim anticipatory bail, on executing PR Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(ii) The applicant shall attend the concerned Police Station once in a week on Wednesday between 10.00 a.m. to 1.00 p.m. and shall cooperate with the investigating agency.

(iii) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

6. Learned APP waives service of notice for the State.

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(4)

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7. Stand over after two weeks.

(URMILA JOSHI-PHALKE, J.)

Sarkate