



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

CRIMINAL APPLICATION (ABA) NO.34 OF 2024
(Narmada w/o Vikram Narote Vs. The State of Maharashtra and anr.)

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

Court's or Judge's Order

Mr. V.S. Wakale, Advocate for the applicant.
Ms T.H. Udeshi, APP for the non-applicant/State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JANUARY 15, 2024.

Heard learned Counsel for the applicant
through Video Conferencing.

2. By preferring this application, the applicant is seeking pre-arrest bail in the event of his arrest in connection with Crime No.356/2023 registered with Police Station Dhad, District Buldhana for the offences punishable under Sections 143, 144, 147, 148, 307, 324 and 506 read with Section 149 of the Indian Penal Code.

3. Learned Counsel for the applicant submitted that the applicant is apprehending arrest at the hands of police as crime is registered against him alleging that on 22/11/2023 at about 8:00 p.m. the applicant and all other co-accused came in front of Malode Kirana Shop wherein the informant's uncle was standing and uncle of the informant was assaulted by Pandit Dnyandeo Narote, Dinkar Ramrao Narote and other co-accused by iron rod and axe. As far as the allegation against the present applicant is concerned, general allegation is made that she along with the other co-accused has assaulted the injured

by means of stick. Learned Counsel for the applicant submitted that there is no specific role attributed to the present applicant. The applicant is 55 years old lady. Cross complaint is also lodged against the informant and other prosecution witnesses. Only to give counter blast to the said cross complaint, this false FIR is lodged against the present applicant and prays for interim protection.

4. Learned Additional Public Prosecutor strongly opposed the application on the ground that in furtherance of common object all the accused assaulted the injured by means of axe and sticks. There is specific allegation against the present applicant that she was holding stick and assaulted the injured. The custodial interrogation is required and hence prayer for interim anticipatory bail deserves to be rejected.

5. I have heard learned Counsel for the parties. Perused the recitals of the FIR. The recitals of the FIR reveals that general allegation is made against the present applicant and some of the co-accused that they are assaulted the injured by means of stick. There is no dispute as to the fact that cross complaint is also filed against the informant and other prosecution witnesses. Considering the role attributed to the present applicant and present applicant who is aged about 55 years, immediate custodial interrogation is not required. In view of that she can be protected by granting ad-interim protection. Accordingly, I proceed to pass following order:

- (i) Issue notice to the non-applicant, returnable in three weeks.
- (ii) Learned Additional Public Prosecutor waives service of notice for the State.
- (iii) In the event of arrest, the applicant – Narmada w/o Vikram Narote in connection with Crime No.356/2023 registered with Police Station Dhad, District Buldhana for the offences punishable under Sections 143, 144, 147, 148, 307, 324 and 506 read with Section 149 of the Indian Penal Code, 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.
- (iv) The applicant shall attend the concerned police station as and when required for the investigation purpose and shall cooperate with the investigating agency.
- (v) The applicant shall furnish her mobile number and address with address proof before the Investigating Officer.
- (vi) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

(URMILA JOSHI-PHALKE, J.)