

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1648 OF 2024**

Kajal Ganesh Janrao
(nee Surekha Dilip Waghmare) ... Applicant
vs.
The State of Maharashtra and another ... Respondents

Mr. Sachin Madhav Bhavar for applicant.

Mr. Ajay Patil for respondent No.1-State.

Ms. Meghna Gowalani for respondent No.2-informant.

**CORAM : MANISH PITALE, J.
DATE : 14th JANUARY, 2025**

P.C. :

. Heard learned counsel for the applicant, the learned APP for the respondent No.1-State as also the learned counsel appointed to appear on behalf of the respondent No.2.

2. In this application on 25.06.2024, this Court, while issuing notice to the respondent No.2, granted interim relief in favour of the applicant, subject to the applicant co-operating with the investigation and appearing before the investigating officer on 28.06.2024.

3. The learned APP confirms the fact that the applicant did appear before the investigating officer as directed and that she has co-operated with the investigation.

4. While granting interim relief in favour of the applicant, in the order dated 25.06.2024, this Court made the following observations:

- “5. In the present case, the informant i.e. the father of the victim approached the police and stated that his daughter, at that time aged about 14 years and 3 months, had suddenly disappeared from the house in the night. Upon looking for her, they suspected that she had eloped with the brother of the applicant, who used to visit her house.
 6. Initially, the FIR was registered only against the main accused Prakash Waghmare i.e. the brother of the applicant, but subsequently, the names of the other accused persons, including the applicant, were added.
 7. It is relevant to note here that the FIR was registered as far back as on 17.12.2021. All the other accused persons, including the main accused i.e. the brother of the applicant, have been granted regular bail. Charge-sheet has been filed. The applicant is a married woman and it is brought to the notice of this Court that she has recently given birth to a child.
 8. There is variance in the two statements of the victim i.e. the first recorded on 18.12.2021 and the supplementary statement recorded after seven days on 25.12.2021.
 9. While in the first statement, the victim has not attributed any specific role to the applicant, in the supplementary statement, her role has been stated in some detail.
 10. In view of the above, as long as the applicant is ready to appear before the investigating officer, it would be appropriate to grant interim relief in the present application.”
5. Today when the application is called out for hearing, the learned counsel for the applicant has reiterated the submissions made before this Court.

6. The learned counsel appearing on behalf of the respondent No.2 submits that the material on record does indicate that the applicant assisted and supported the main accused person i.e. her brother in the facts of the present case.

7. This Court is of the opinion that in the first instance, when the victim i.e. respondent No.2 gave her statement before the police, she did not name the applicant at all, while the entire allegations pertained to the main accused person i.e. the brother of the applicant. It is only in the supplementary statement that an improvement was made to refer to the applicant and to her alleged role in the present case.

8. The applicant is a married woman and considering the fact that she has a small child, coupled with the fact that there appears to be variance in the two statements of the victim herself, this Court is inclined to confirm the interim order and to allow the application. This Court is further informed that the chargesheet is also filed.

9. The interim order dated 25.06.2024 is made absolute and the application stands allowed.

(MANISH PITALE, J)