

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPEAL NO. 868 OF 2024**

Sunita Ambadas Uttekar

... Appellant

Versus

State of Maharashtra and Anr.

... Respondents

.....

Ms. Rekha Musale i/b. Mr. Nitin Rajguru, Advocate for the appellant.

Smt. Poonam B. Bhosale, APP for the State.

Mr. Shreyas P. Barsawade, Advocate for Respondent No.2.

API – Jeevan Mohite, Indapur Police Station present.

CORAM : SHIVKUMAR DIGE, J.**DATED : 26th FEBRUARY, 2025.****P. C. :**

1. This appeal is preferred against the Order dated 15.07.2024 passed by Additional Sessions Judge, Baramati, Pune in Criminal Bail Application No. 650 of 2024 in Special Case No. 202 of 2024 whereby the learned Sessions Court has rejected the Anticipatory Bail Application of the appellant.

2. It is prosecution's case that son of the appellant had love marriage with the sister of the first informant, on that count the appellant and co-accused assaulted and abused the first informant on his caste.

3. It is contention of learned counsel for the appellant that co-accused having same allegations has been released on regular bail by learned Sessions Court. The appellant has been falsely implicated in this case,

merely on ground that her son has married with the sister of the first informant. The charge-sheet has been filed against the appellant. The appellant is lady. The incident is not witnessed by anyone, hence requested to allow the appeal.

4. It is contention of learned APP along with learned counsel for respondent No.2 that the appellant has abused, the first informant on his caste and assaulted him. She was aware of the caste of the first informant. It is necessary to recover the article used by the appellant while assaulting the first informant. Considering the allegations against the appellant, her custodial interrogation is required and requested to dismiss the appeal.

5. I have heard all learned counsel. Perused FIR and documents produced on record. The allegations against the appellant are that she abused the informant on caste stating that, they are not of the equal position of the appellant, in spite of that his sister has married with his son. It is alleged that appellant and co-accused assaulted the first informant. Learned APP on instructions submitted that charge-sheet has been filed against the appellant. There is no eye witness to the incident. There was inter-caste marriage between appellant's son and sister of first informant. The appellant is lady, considering these facts, custodial interrogation of the appellant is not required and I pass following order.

ORDER

- i. In the event of her arrest in connection of Special Case No. 202 of 2024, registered with Baramati Police Station, the appellant shall be released on bail on executing PR.Bond in the sum of Rs.20,000/- with one or two solvent sureties in the like amount.
 - ii. The appellant shall attend the concerned police station once in a month i.e. on first Monday of the month between 11.00 a.m. to 3.00 p.m. till framing of charge.
 - iii. The appellant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
 - iv. The Trial Court shall not be influenced by the observations made in this order and shall decide the matter on its own merits and in accordance with law.
6. The Appeal is allowed in the aforesaid terms and is accordingly disposed of.
7. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)