



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

CRIMINAL APPLICATION (ABA) NO.263 OF 2025

Anita w/o Waman Mawale

Vs.

State of Maharashtra, through the Police Station Officer, Hinganghat,
District Wardha

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

Court's or Judge's orders

Ms. Shaad F. Mirza, Counsel for the applicant.

Ms. Shamsi Haidar, APP for non-applicant No.1/State.

Mr. Chaitanya Kulkarni, Counsel for complainant.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 09/06/2025

1. Apprehending the arrest at the hands of police in connection with Crime No.421/2025 registered with Police Station Hinganghat, Tahsil Hinganghat, District Wardha for the offences punishable under Sections 351(2), 296, 191(2), 190, 189(2), 132, 126(2), 121(1) and 115(2) of the Bharatiya Nyaya Sanhita, 2023, the applicant approached to this Court for grant of pre-arrest bail.

2. Heard learned Counsel for the applicant, who submitted that the crime is registered on the basis of report lodged by Avinash Dnyaneshwar Suradkar, who alleged that he is working in the Bank of Maharashtra, the present applicant has obtained a loan from the Bank of Maharashtra and mortgaged the property bearing Survey No.95/2 admeasuring

4.05 hectares. The applicant committed a default in repayment of the loan amount and therefore, the action was taken and when the informant and other office bearers had been to take the possession of the mortgage property, at that time, they were assaulted by the present applicant and other co-accused. On the basis of the said report, police have registered the crime against the present applicant.

3. Heard learned Counsel for the applicant, who submitted that as far as the present applicant is concerned, there is no allegation against her that either she has assaulted any member of the persons who had been at the spot of incident and mere her presence was there. As far as her custodial interrogation is concerned, which is not required. In view of that, she be protected by granting anticipatory bail. Learned Counsel for the applicant further submitted that applicant has cooperated with the investigating agency.

4. Learned APP and learned Counsel for the complainant strongly opposed the said application on the ground that when the bank officials had been to take possession of the mortgaged property, they were assaulted. Thus, considering the nature of the dispute between the present applicant and other bank officials, the application deserves to be rejected as custodial interrogation is required.

5. On hearing both the sides and on perusal of the recitals of the FIR, it reveals that except the presence of the present applicant, no specific role is attributed to her. Moreover, other co-accused are already released on bail by this Court. In view of that, the interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) The interim protection granted to the present applicant by order dated 21.04.2025 is hereby confirmed with the similar condition that the applicant shall attend the concerned police station once in a week on Monday between 10:00 a.m. to 01:00 p.m. and shall co-operate with the investigating agency, till filing of the charge-sheet.

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

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)