



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

CRIMINAL APPLICATION (APL) NO.469/2025

(Smt. Anuprita Sunil Divare Vs. The State of Maharashtra, through Station House Officer, Yavatmal Rural Police Station, Tq. & Distt. Yavatmal and another)

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

Court's or Judge's orders

Mr. V.D. Darne, Advocate for the applicant.
Mr. A.M. Joshi, A.P.P. for the non-applicant No.1/State.
Mr. Atharva S. Manohar, Advocate for the non-applicant No.2.

CORAM: MRS. VRUSHALI V. JOSHI, J.

DATED: 24.4.2026.

The applicant has challenged the order passed by the trial Court below Exh.106 dated 10.4.2025.

2. The applicant is the complainant in Sessions Trial No.69/2022. The bail application of the accused/non-applicant No.2 was allowed on 13.5.2022 by the Sessions Court and it was cancelled by this Court vide order dated 24.8.2022.

3. The plea of *alibi* was taken by the non-applicant No.2. The non-applicant No.2 thereafter filed a bail application below Exh.106 before the Sessions Court on change in circumstance, as at the fag end of the trial the co-accused Ramkumar was stated to be the assailant by wife of deceased and CCTV Footage proved that he was at petrol pump and he was granted bail. As the co-accused was granted bail on the plea of *alibi*, the applicant had filed an application along with prayer to collect the video recording as the applicant was 60 kilometers away from the place of incident when the incident took place.

4. The trial Court has directed the non-applicant to investigate further under Section 174(8) of the Code of Criminal Procedure for the purpose of deciding the bail application; and called report on the point of defence of *alibi* to be submitted on 16.4.2024 without fail. It is also directed that the report should be coupled with proper statement of prosecution on defence of *alibi*. Direction was given to the Police Station Officer to remain present.
5. Above order dated 10.4.2025 passed below Exh. 106 is challenged before this Court in this criminal application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.
6. I have heard the learned Advocates for the parties and perused the record.
7. The learned Advocate for the non-applicant No.2 has brought to the notice of this Court that the order is already complied, by submitting the report even before filing of this application. Though the report was submitted and the order was complied, the applicant has not disclosed this fact in the instant application. The report was submitted on 21.4.2025 and this Court has passed the order on 22.4.2025 granting stay to the order passed by the trial Court.
8. As the order impugned is already complied, the instant application has become infructuous. Hence, the application is disposed of as infructuous.

(MRS. VRUSHALI V. JOSHI, J.)