

MHND010019202023



ORDER BELOW EXH. 01 IN
MISC. CRIMINAL (BAIL) APPLICATION NO. 510/2023

Priyanka Vs. State of Maharashtra

The applicant has filed this application under section 438 of the Cr.P.C. and prayed for anticipatory bail in Crime No. 94/2023 registered with Police station Limbgaon, under section 306 r/w section 34 of the Indian Penal Code.

2. A perusal of FIR, it reveals, one Anil Pralhad Rathod lodged FIR on 18.7.2023 contending that, on 23.6.2023 his father aged about 50 years was seen physical relation of daughter-in-law with Deepak Pandit Bhosale and told said incident to his brother and brother's wife. Father of the informant has also stated his brother and brother's wife that, after seeing the incident he was mentally disturbed and due to act of his daughter in law he felt humiliated in the society. On 25.6.2023 father of the informant committed suicide by hanging on the roof of the house. Accordingly, the informant lodged complaint against the applicant.

3. From the contents of application, it reveals that, applicant is innocent and poor lady. She has no criminal history. The complainant and his relatives were giving ill-treatment to her from several years and they were taking doubt on the

character of the applicant, therefore she filed several applications to police. She is victim of domestic violence. There is no connection between accused Nos. 1 and 2. Custodial interrogation is not required. The applicant is ready to abide conditions imposed by the Court and will not misuse her liberty.

4. I.O. has filed say below Exh. 9 and prayed to reject the application stating that, offence is serious in nature. Investigation is in progress. For custodial interrogation custody of the applicant is required. If the applicant is released on bail possibility cannot be ruled out, she will hamper and tamper prosecution witnesses.

5. Learned advocate for the applicant Shri. S.V. Bhosale for the applicant has submitted, applicant has not committed any crime. Custodial interrogation of the applicant is not required by the police authority. The applicant is law abiding person and ready to abide conditions imposed by the Court. Investigation is near about completed. Other co-accused is released on regular bail. Nothing requires to recover from the applicant, hence application be allowed.

6. On the other side learned APP Shri. Talegaonkar has submitted, the applicant is involved in the crime. Soon before death of Pralhad Rathod, he saw physical relation of the applicant with co-accused. Offence is serious in nature. Custodial interrogation of the applicant is required by the Investigating Officer. Name of the applicant is mentioned in FIR and she is a person who can tell about the allegations made in

the FIR. Hence application be rejected.

7. It appears from the record, i.e. from the say of the investigating officer that, accused no. 2 arrested and remanded to police custody and thereafter, he was remanded to Magistrate Custody. It also seems, applicant submitted an application to police station on 21.10.2020 mentioning in it that, her husband and relatives of her husband were giving ill-treatment to her. Her husband is having addiction of liquor and he has been giving ill-treatment to her. The informant has filed his affidavit below Exh. 7 and taken objection to release the accused on pre-arrest bail.

8. It also seems from say of investigating officer, A.D. no. 6/2023 under section 174 of Cr.P.C. registered in the police station, Limbgaon on 26.6.2023 about the suicidal death of father of the informant on the basis of information given by brother of deceased Pralhad. The police have not mentioned that, there is recovery with the hands of the applicant. Moreover, the reason of custodial interrogation with the applicant is not mentioned in the say. The record shows that, in the year 2020 the applicant submitted complaint to the police station complaining that, her husband and relatives of husband were giving ill-treatment to her. It appears from the FIR, complainant noticed that something happened in the house. It is to be noted even having noticed about happening something in house, the complainant did not make inquiry with his father

or family members. The complainant has not satisfactorily explained reason of delay to lodge FIR. Deceased had not disclosed the incident dated 23.6.2023 to the complainant and the complainant did not ask to deceased.

9. It appears from record, custodial interrogation of the applicant by police is not at all required. The applicant is not having criminal record and she is residing at Waghi Tanda Dist. Nanded, hence there is least possibility that she shall flee from justice, so it is necessary to protect the liberty of the applicant. In these circumstances, I am of the view, this is fit case wherein pre-arrest protection needs to be granted to the applicant by imposing conditions upon her, so that she could not misuse her liberty in any manner. Hence, I pass following order:-

ORDER

01. Application is allowed.

02. In the event of arrest of applicant Priyanka Anil Rathod in connection with the Crime No. 94/2023 for the offence punishable under 306 r/w section 34 of the Indian Penal Code of police station Limbgaon, be released on bail on furnishing PR bond of Rs. 30,000/- with one solvent surety in like amount subject to following conditions :-

a) The applicant shall attend the police station Limbgaon on every Wednesday between 10.30 a.m. to 1.00 p.m. in

investigation process in this crime till filling charge-sheet. The applicant shall co-operate to the investigating officer

b) The applicant shall not cause any threat or inducement to the complainant during this period.

c) The applicant shall not tamper with the prosecution evidence.

d) The applicant shall produce proof of her permanent address, copy of Aadhar card/voters ID card/PAN card.

e) The applicant shall submit list of at least three blood relatives with their detail residential addresses and submit their contact details before the Court and to the Investigating Officer.

f) The applicant shall not misuse her liberty in any manner.

3. Inform the concerned police station accordingly.

Date:- 01.09.2023

(U. V. Indapure)
Additional Sessions Judge-1,
Nanded.

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment/Order are same word to word, as per the original Order.

Name of the Stenographer	: Smt. S. S. Korewar, Stenographer (Grade-III.)
Name of the Court	: Adhoc District Judge-1, & Addl. Sessions Judge, Nanded.
Date of the Judgment/Order	: 01/09/2023
Judgment/Order signed by the Presiding Officer on	: 01/09/2023
Judgment/Order uploaded on	: 02/09/2023