



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 948 OF 2026

Sushila Darshan Jagtap
VERSUS
The State Of Maharashtra

...

Mr. A. D. Ostwal & Mr. K. S. Ostwal, Advocate for Applicants
Mr. M. K. Goyanka, APP for Respondents/State

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CORAM : R.M. JOSHI, J
DATE : JUNE 11, 2026

PC :

1. Learned Counsel for the Applicant submits that Applicant is a lady and her liberty was protected by Sessions Court by granting ad-interim relief. It is his further submission that in connection with first information report in question, in Criminal Revision Application No. 290/2025, this Court, by order dated 24.09.2025, has made following observations:

*6. Considering the above submissions and dictum in **Arun P Gidh** (supra), the Revision Application appears tenable against the impugned order. Similarly, prima facie it seems that while passing the order, the learned Judge has not applied his mind to the allegations made in the complaint, whether any cognizable offence was made against applicant or not, nor he has recorded his satisfaction in the order that information reveals of a cognizable offence committed by the applicant and without following the mandate under Section 175 (3) of the BNSS passed the order. As such, I am of the view that the applicant has made out a prima facie case to grant ad-interim relief that no coercive action shall be taken against him till the next date.*

2. It is his submission that these observations clearly indicate that

first information report lodged in instant case is without following mandate of section 175(3) of Bharatiya Nagarik Suraksha Sanhita. Thus, it is his submission that till the prosecution is heard in the matter, liberty of the Applicant, who is a lady, deserves to be protected.

3. Learned APP opposes for granting any ad-interim protection to Applicant.

4. *Prima facie* perusal of record indicates that there was ad-interim relief granted to Applicant protecting her liberty from arrest by order dated 05.02.2026. This Court, in Criminal Revision Application No. 290/2025, has made observations with regard to non-compliance of mandatory provision of Section 175(3) of Bharatiya Nyaya Suraksha Sanhita. It is not open for this Court to ignore said observations.

5. Having regard to aforestated facts, liberty of Applicant is protected till next date of hearing. Hence, the order:

ORDER

- (i) Issue notice to the Respondents, returnable on 10.07.2026. Learned APP waives service of notice on behalf of Respondent.
- (ii) Till next date, in the event of arrest the Applicant in connection with C.R. No. 596/2025 registered with MIDC Police Station, Dist. Ahilyanagar for the offences punishable under Sections 318-4, 316-2 read with Section 3(5) of Bharatiya Nyaya Sanhita and Sections 3, 4 and 5 of

Maharashtra Protection of Interests of Depositors (in Financial Establishments) Act, 1999 and Section 66 of Information Technology Act, she shall be released on bail on furnishing PR bond of Rs. 30,000 (Rupees Thirty Thousand Only) with one surety in the like amount.

- (iii) She shall attend the concerned police station as and when required upon written notice.
- (iv) She shall not contact the witnesses directly or indirectly.
- (v) She shall not interfere with the evidence in any manner whatsoever.
- (vi) She is further directed to cooperate the investigating agency for further investigation.

6. Learned APP to communicate this order to concerned police station.

(R. M. JOSHI, J.)

Malani