

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).4048/2012

(From the judgement and order dated 03/05/2012 in CRLA No.147/2012 of The HIGH COURT OF JUDICATURE AT BOMBAY BENCH AT NAGPUR)

RAJANI PRAVEEN LANJEWAR Petitioner(s)

VERSUS

STATE OF MAHARASHTRA & ANR Respondent(s)

(With application for anticipatory bail and office report)

Date: 21/08/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s) Mr. Satyajit A. Desai, Adv.
Mr. Somanatha Padhan, Adv.
Ms. Anagha S.Desai, Adv.

For Respondent(s) Ms. Asha Gopalan Nair, Adv.
For State/RR No.1

For RR No. 2 Mr. Rahul S. Kurekar, Adv.
Ms. Anuradha Mutatkar, Adv.

UPON hearing counsel the Court made the following

O R D E R

We have heard the learned counsel for the parties.

On a perusal of the order passed by the High Court it appears that the anticipatory bail has been denied to the petitioner without adverting to any of the relevant considerations which are necessary to be taken note of while exercising discretionary power under Section 438 of the Code of Criminal Procedure. The bail has been declined only on the ground that the death took place in the bedroom of the applicant although it is also noticed that the applicant herself was not present in the house at the relevant time. No other relevant reason has been given by the High Court. It was but satisfied to decline bail only on the ground that death had taken place in the house of the applicant. We think High Court erred by not granting anticipatory bail in the facts and circumstances of this case.

It appears that at the time when the Special Leave Petition came up for initial hearing, this Court directed that the petitioner shall not be arrested in FIR No. 123 of 2012 dated 6th April, 2012 until the respondents were served. In view of the above, we are inclined to continue the interim order passed by this Court on 15th May, 2012. Consequently, the anticipatory bail application of the petitioner/applicant is allowed. In the event of her being arrested she will be released on bail to the

satisfaction of Pthe trial Court. The Court granting bail shall also impose necessary conditions to ensure that the applicant cooperates with the investigation and other proceedings in the case.

The application seeking antiicpatory bail is allowed in the above said terms.

The Special Leave Petition is disposed of.

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| [KALYANI GUPTA]
| COURT MASTER

| | [INDU BALA KAPUR]
| | COURT MASTER

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