

ORDER BELOW EX. 01 IN CRIMINAL BAIL APPLICATION
NO. 223 OF 2022

{Ranjana Balasaheb Waghmare Vs. The State of Maharashtra through
Panchavati Police Station}

This is an application under section 438 of the Criminal Procedure Code, 1973 for grant of anticipatory bail in crime No. 47 of 2022 registered with Panchavati Police Station for the offences punishable under sections 324, 323, 326, 504 read with 34 of the I. P. C.

02] The applicant contended that false and fabricated case is registered against her. She is innocent and has not committed any offence. Her name is added after 9 days of lodging F. I. R. in this case. There is counter case against the complainant. She is falsely implicated in the crime with previous enmity. The vague allegations are leveled against her. Her custodial interrogation is not required. The crime is taken place in crowded area. The other co-accused are released on anticipatory bail vide order in ABA No. 186 of 2022 and 189 of 2022. Hence, parity applies. She is ready to abide by any conditions imposed by the court. Hence, she has prayed for grant of anticipatory bail.

03] APP filed say at Ex. 05 and I. O. filed say at Ex. 06. They have stated that the offence is of serious nature. The accused has not obeyed the terms of interim bail. What other weapons were used has to be seen and her custodial interrogation is required. Yet, other accused are to be arrested. If the accused is released on bail, she may again commit the offence and will threat the complainant and the prosecution witnesses. Hence, they have prayed for rejection of bail.

04] Heard the learned counsel for the accused and learned APP. They have argued as per the above stand taken.

05] I have gone through application, say, arguments and Police papers. Initially, the offence under section 324 of the I. P.C. was registered, which isailable. Thereafter, section 326 of the IPC was

added. There is fracture injury to the jaw of the complainant. He is out of danger. The stones are seized. For the purpose of knowing other accused and knowing what other weapons were used in the crime, custodial interrogation of the accused is not required. The other weapons are nowhere whispered by the complainant in the F. I.R. Imaginary ground is raised by the I. O. only to oppose the bail application. Her name is not mentioned in F. I. R. The other co-accused are released on anticipatory bail vide order in ABA No. 186 of 2022 and 189 of 2022. Hence, parity applies. The apprehension of I. O. that the prosecution witnesses will be threatened and evidence will be tamper, can be taken care by imposing suitable terms and conditions. The accused is entitled for anticipatory bail on the same terms and conditions as that of ad-interim bail below Ex. 4. Hence, the following order.

ORDER

- 01] Application is allowed.
- 02] The ad-interim bail granted to the accused below Ex. 4 is hereby confirmed on the same terms and conditions. Further the accused should attend the police station on 24.02.2022 and 25.02.2022 in between 11.00 a.m. to 02.00 p.m. at the concerned police station and help the police in investigation.
- 03] Inform the concerned Police station and A. P. P. accordingly.

Date : 22.02.2022

(R. R. Rathi)
Additional Sessions Judge-5,
Nashik.