

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO. 2658 OF 2015.

KALPANA W/O EKNATH JAGTAP.
VERSUS
THE STATE OF MAHARASHTRA.

Appearance =>

Mr. S.S. Ladda, Advocate for the Applicant.

Mr. U.S. Mote, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 22nd June, 2015.

Per Court :-

Present Criminal Application is filed by the Applicant for grant of anticipatory bail, since she is apprehending her arrest in connection with CR No. I 62/2015 registered with Police Station, Shillegaon, District – Aurangabad for the offences punishable under Section/s 307, 323, 504, 506 read with 34 of the Indian Penal Code.

[2] Heard Mr. S.S. Ladda, learned counsel for the Applicant and Mr. U.S. Mote, learned Additional Public Prosecutor for the State.

[3] Nanasaheb Jagtap is the first informant. He is injured. First Information Report is registered on 30th April, 2015. Date of incident is 25th April, 2015. Explanation given by the prosecution is that, since the first informant was admitted in the hospital, First Information Report could not be lodged immediately. Prima facie, explanation given by the prosecution is

acceptable, therefore, delay cannot fatal the prosecution case, at least prima facie.

[4] First Information Report would reveals that on the date of incident i.e. 25th April, 2015 dispute occurred in between the present Applicant, her husband on one side and the first informant and others. Parties are having agricultural lands adjacent to each others. According to the First Information Report, first informant has done pooja to the bore well, therefore, the husband of the present Applicant was nursing grudge against the present first informant saying due to such pooja, his bore-well is not getting sufficient and ample water and on that count, according to the First Information Report, husband of the present Applicant assaulted the first informant by means of axe; and allegations against the present Applicant is that, she has also assaulted the first informant by means of stick.

[5] Husband of the present Applicant – Eknath is already arrested. Injury certificate of the first informant – Nanasaheb shows that, injury which he has received is caused due to sharp edged weapon.

[6] In that view of the matter, present Applicant, who is a woman, can be protected by anticipatory bail, by exercising the discretion. That leads me to pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) In the event of arrest, Applicant - KALPANA W/O EKNATH JAGTAP shall be released on anticipatory bail on she executing P.R. Bond of Rs. 5,000/- [Rs. Five Thousand.] with one solvent surety in the like amount, in connection with CR

No. I 62/2015 registered with Police Station, Shillegaon, District – Aurangabad for the offences punishable under Section/s 307, 323, 504, 506 read with 34 of the Indian Penal Code.

(iii) With this Criminal Application is allowed and same is disposed of accordingly.

(V.M. DESHPANDE, J.)