

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.577 OF 2015

Sau Vijaya Dashrath Gaikwad ...Applicant

Vs.

The State of Maharashtra ...Respondent

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Mr. S.V. Kotwal i/b. Mr. Gavrav Jachak for the applicant .

Mr. Arfan Sait, APP for the State.

Mr. S. N. Hulwan, API, I.O. Attached to Loni Kalbhor Police station
is present.

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CORAM : A. R. JOSHI, J

DATE : 05/05/2015

P.C.:

Heard rival submissions on this application for anticipatory bail preferred by the applicant/woman for preventing her arrest in C.R. No.55/2015 for the offences punishable under sections 307, 326, 325, 341 and 506 of the IPC.

2. Out of the said incident of assault by members of two groups, cross complaints were filed. The complaint against the present applicant is the first in point of time. The second complaint

was lodged with the said Loni Kalbhor Police Station by the son of the present applicant. In the said complaint, the son of the applicant had alleged that the members of the other group came to the spot and assaulted them and at that time his mother, the applicant, was also present and that she was also assaulted. By pointing out this, it is strongly submitted on behalf of the present applicant that because of the lodging of the counter complaint mentioning therein the presence of the present applicant at the spot, being injured in the present matter of CR No. 55/2015, the present applicant is also roped as an accused and alleged as one of the members of unlawful assembly. It is further strongly submitted that the false implication of the applicant is apparent as in the FIR or in the subsequent statement of the first informant the name of the present applicant is not mentioned. As such, it was an afterthought of adding her name as an accused as it was known to the police because of lodging of the counter complaint.

3. Apart from the above, it is submitted that the only alleged role against the present applicant that she lifted a stone and threw it on some of the injured, is of such insignificant nature

that it does not warrant custody of the applicant and interrogation when all the other co-accused persons have already been arrested and released on bail. Furthermore, it is submitted that the applicant herself had sustained some injuries for which she was operated within a week's time after the incident.

4. Considering the above circumstances and mainly considering the counter complaint and insignificant role attributed to the applicant, who is a woman and apparently she also suffered injuries in the said incident, in the opinion of this Court, the applicant can be granted relief as prayed for with some directions. Hence, the order:

ORDER

Anticipatory Bail Application is allowed.

In the event of arrest of the applicant in CR No.55/2015 of Loni Kalbhor Police Station, she shall be released on bail on execution of PR Bond of Rs.15,000/- with one or two sureties in the like amount.

In the event of arrest and after availing bail as above, the applicant shall attend the concerned police station on first

Sunday of each month between 10.00 a.m. and 12.00 noon for a period of 6 months. The applicant shall not tamper with the prosecution witnesses in any manner.

The application is accordingly disposed of.

(A. R. Joshi, J)