

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

**ANTICIPATORY BAIL APPLICATION NO. 764 OF 2015
WITH
CRIMINAL APPLICATION NO. 480 OF 2015 IN A.B.A. 764 OF 2015**

Sunita Ankush Lande	... Applicant
Vs.	
The State of Maharashtra	... Respondent
And	
Anil Sayaji Barne	... Intervener

Mr. Satyavrat Joshi, Advocate for the applicant.

Mrs. R.V. Newton, APP for the State.

Mr. Harshwardhan Akolkar, Advocate for the applicant/intervener.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **JUNE 29, 2015**

P.C.:

Criminal Application No. 480 of 2015 filed for intervention are allowed.

2. Criminal Application No. 764 of 2015 is moved for anticipatory bail, as the applicant/accused is facing charges under section 307, 143, 147, 148, 149 of the Indian Penal Code and under section 37(1)(3) r/w. 135 of Bombay Police Act in C.R. No.66 of 2015 registered with Bhosari Police Station, Pune. The incident of assault has taken place on 27th February, 2015 near the residence of the complainant Poornima Anil Barne, who is the minor girl and a niece of the deceased. Initially, the applicant/accused was facing charges under section 307, however, Sunil Barne succumbed to injuries and thereafter section 302 was added.

3. It is the case of the prosecution that there was a dispute between Lande family and Barne family on account of dumping the fodder in the plot. Earlier, the complaints were registered against each other, however, on 27th February, 2015, there were verbal altercations between Anil, father of the complainant and relatives of the applicant/accused. Thereafter, Anil Barne went away. In the meanwhile, when Sunil Barne came out of the house, the complainant saw applicant/accused and her sister-in-law Kalpana throwing chilli powder in the eyes of Sunil and thereafter co-accused assaulted him with iron bar and sickle. Sunil sustained injuries and succumbed to injuries.

4. The learned counsel for the applicant/accused has submitted that there are different versions of Poornima, her father Anil and her aunt. He submitted that applicant/accused is innocent.

5. Perused these three statements. At this stage, the statement of the complainant appears to be eye witness, who has actually seen throwing of the chilli powder in the eyes of Sunil Barne by the applicant/accused. It is a case of murder. Though the families are at loggerheads, this is not a case to grant pre-arrest bail to the applicant/accused. Hence, the Application for anticipatory bail is rejected.

(MRS.MRIDULA BHATKAR, J.)