

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 1837 OF 2015

Jadavati Ramakant Pal

... Applicant.

V/s.

The State of Maharashtra

... Respondent.

Mr. Rahul S. Kadam, Advocate for the Applicant.

Mr. Y. M. Nakhawa, A.P.P. for the Respondent – State.

PSI - Padmavti Kalal, Vanrai Police Station, Pune, is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 16th SEPTEMBER, 2015

P.C. :

1 Heard learned counsel for the applicant and learned APP for the State.

2 By this application, the applicant seeks her enlargement on bail in connection with C.R. No. 256 of 2015 registered with the Vanrai Police Station, Mumbai for the alleged offences punishable under Sections 326, 354, 504 read with section 34 of the Indian Penal Code and Section 37(1) r/w. 135 of Mumbai Police Act.

3 The incident in question has taken place on 14th August, 2015. The complainant is one Smt. Saroja Pal. The applicant is the sister-in-law of the complainant. Both, the complainant's family as well as applicant's family are residing in the same premises. The complainant has alleged that on

15.08.2015 at about 00.15 am, her cousin brother i.e. co-accused Ramakant Pal came home. She has alleged that at that time, the family members of Ramakant Pal were out and that she was alone in the house. She has alleged that Ramakant Pal came near her and started abusing her, over an altercation that had taken between them, two days prior. She has alleged that Ramakant not only abused her but also tore her blouse as a result of which, her modesty was outraged. She has alleged that Ramkant Pal also assaulted her with the knife as a result of which she suffered injury on her abdomen. According to the complainant, the present applicant allegedly told her husband Ramakant Pal to pour kerosene and set her on fire, instead of assaulting with a knife.

4 Learned counsel for the applicant states that there is a civil dispute pending between the applicant and the complainant and an order of status quo has been passed in the said proceedings. He submits that the initial part of the complainant's statement is that she was alone in the house when the co-accused Ramakant Pal entered the house. According to him, it is a false complaint lodged with sole purpose of ousting the applicant and her husband from the house. He submits that no overt act is attributed to the applicant. He submits that the applicant is the sister-in-law of the complainant and has 2 small daughters and 2 sons. There is no antecedents against her.

5 Considering the nature of allegations and the role attributed to the applicant and the fact that the applicant is in custody since 15th August, 2015, the applicant is enlarged on bail on the following terms and conditions :

ORDER

(i) The applicant be initially enlarged on provisional cash bail of Rs. 10,000/- for a period of two weeks, within which period, the applicant shall furnish P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount.

6 The Application is allowed in the aforesaid terms and is accordingly disposed of.

7 It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)

CERTIFICATE

*Certified to be true and correct copy of the original
signed Judgment/order.*
