

Anand

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

BAIL APPLICATION NO.1882 OF 2015

Kalpana Jalinder Lande .Applicant

v/s.

The State of Maharashtra .Respondent

Mr.H. Nimbalkar i/b. Mr.S.H.Nimbalkar, Advocate,
for the Applicant

Mr.S.S.Pednekar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 12.10.2015

P.C.

. Heard learned counsel for the applicant
and the learned APP for the respondent – State.

2. By this application, the applicant
seeks her enlargement on bail in connection with
C.R.No.66 of 2015 registered with the Bhosari
Police Station, Pune, for the alleged offences
punishable under Sections 143, 144, 147, 148,
149 & 302 of the Indian Penal Code and under
Section 37(1) r/w.135 of the Maharashtra Police

Act.

3. The complainant is one Ms Pournima Anil Barne. She is the neice of the deceased. She has alleged that the incident took place on 27.02.2015 at about 11.30 a.m.. She has stated that initially, there was a dispute between her father and three other male co-accused i.e. Amol, Nilesh & Jalinder. She has alleged that after the said dispute/altercation was over, her uncle went out as he had learnt about the said dispute/altercation. According to the complainant, at that time, co-accused Jalinder's wife - Kalpana i.e. the present applicant and co-accused Ankush's wife - Sunita threw red chilli powder on her uncle Sunil, after which co-accused Amol, Nilesh assaulted Sunil with sickles and Jalinder assaulted him on his head with an iron rod.

4. Learned counsel for the applicant submits that the only allegation qua the applicant, who is a lady is, that she threw red chilli powder on Sunil along with Sunita. He submits that a perusal of the post mortem report shows that there was no injury or damage found to the eyes.

5. Learned APP does not dispute the fact that the only allegation against the applicant is that she threw red chilli powder towards the deceased, pursuant to which the alleged incident of assault took place.

6. Perused the charge-sheet. Perused the statement of the complainant, who is an eye witness as well as the post mortem report. The allegation is that the applicant threw red chilli powder at the deceased. Prima facie, there is no injury caused to the eyes, as a

result of the same. The history given to the Doctor which is at page No.55 is 'assault done by a sharp object sword, sticks and koyta'. Even otherwise, investigation is complete and charge-sheet is filed.

7. Considering the aforesaid, the applicant is enlarged on bail on the following terms & conditions:

ORDER

(i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 15,000/- with one or two sureties in the like amount;

(ii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

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

9. 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.)