

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1912 OF 2016

- 1] Hanuman Sopan Rathod,
Age – 33 years, Occu.: Agriculture,
- 2] Sopan Rambhau Rathod,
Age-55 years, Occu.: Agriculture
- 3] Baliram Sopan Rathod,
Age-30 years, Occu.: Agriculture
- 4] Surekha Baliram Rathod,
Age-28 years, Occu.: Household,
- 5] Sunita Hanuman Rathod,
Age-24 years, Occu.: Household,

All are R/o. Kokate Hadgaon (Tanda)
Tq. Partur, Dist. Jalna

.. Applicants

VERSUS

The State of Maharashtra,
Through Police Station Ashti,
Dist. Jalna

.. Respondent

AND

CRIMINAL APPLICATION NO. 1829 OF 2016

Dwarkabai W/o Sopan Rathod,
Age : 52 years, Occu.: Labour,
R/o Kokate Hadgaon Tanda,
Tq. Partur, Dist. Jalna

.. Applicant

VERSUS

The State of Maharashtra,
Through Police Station Ashti,
Dist. Jalna

.. Respondent

Mr. S.J. Salunke, Advocate for applicants in both matters
Mr. A.R. Borulkar, A.P.P. for the respondent-State
Mr. K.D. Jadhav, Advocate with Mr. S.G. Bobde, Advocate for
assist to APP (2012/2016)
Mr. K.D. Jadhav, Advocate with Mr. S.D. More, Advocate for
assist to APP (2013/2016)

CORAM : M.T. JOSHI, J.**DATE : 07/04/2016****ORAL ORDER :**

Heard.

2. Both the Applications have arisen out of the Crime No. I-16 of 2016 registered with Ashti Police Station, Dist. Jalna for the offences punishable under section 498-A, 307, 494, 506, 504 r/w. 34 of the Indian Penal Code.

3. In Criminal Application No.1829 of 2016, Dwarkabai W/o Sopan Rathod, mother-in-law of the complainant is seeking regular bail upon her arrest on 08/03/2016. In Criminal Application No. 1912 of 2016, her husband applicant no.1-Hanuman S/o Sopan Rathod as well as other relatives are seeking anticipatory bail.

4. Upon hearing, Mr. Salunke, learned counsel for the applicants, on instructions, submits that the applicant no.1 – Hanuman S/o Sopan Rathod and applicant no.2 – Sopan S/o Rambhau Rathod in Criminal Application No. 1912 of 2016 do not wish to press their application for anticipatory bail, however, anticipatory bail may be granted to applicant nos.3 to 5 i.e. the rest of the relatives.

5. The FIR filed by Anita wife of applicant no.1- Hanuman in Criminal Application No. 1912 of 2016, would show that applicant no.1 – Hanuman had married with applicant no.5 – Sunita before about 2 years of the present incident, though he was married with the complainant. All the applicants and the complainant used to reside together. Previously, she had initiated action against all these applicants in the Court, however, upon settlement, she started residing in the joint family.

. In the situation, on 05/03/2016 in the night, applicant no.1 – Hanuman abused and banged head of the

complainant against a wall and with a stick, assaulted her head. All other applicants came at the spot and they started beating her with fists and kicks. Applicant no.5 - Sunita had sprayed chilly powder on her face. Applicant no.2 - Sopan brought a can of kerosene and handed it over to the applicant no.1 - Hanuman. Applicant no.1 - Hanumnan poured kerosene on her person and attempted to murder her and she therefore fled out of the house and, thereafter, with the aid of the cousin, she was taken to the hospital, where her statement was recorded.

6. The injury certificate placed for perusal by the learned A.P.P. would show that the complainant had received following two injuries :

(i) Contused Lacerated wound to the head admeasuring 3cm X 1/2 cm, which in the opinion of the Medical Officer is simple injury.

(ii) 5% burn injuries to both the thighs, which is also certified to be simple injury by the Medical Officer.

7. It was alleged on behalf of the prosecution as well as by the learned counsel assisting the A.P.P. that the present applicants are threatening the complainant.

8. Upon hearing both sides and considering the fact that applicant – Dwarkabai Sopan Rathod in Criminal Application NO. 1829 of 2016 is behind the bars since 08/03/2016. She is a woman and the investigation qua her is practically complete, in the nature of the alleged role played by her in the incident, in my view, she can very well be released on bail.

9. As regards application for grant of anticipatory bail, so far as applicant nos.1 and 2 in Criminal Application No. 1912 of 2016 are concerned, the application is sought to be withdrawn.

. Therefore, considering no role of the rest of the applicants i.e. applicant no.3 – Baliram Sopan Rathod, applicant no.4 – Surekha Baliram Rathod, in the alleged attempt to commit murder, in my view, their

custodial interrogation is not required.

. So far as applicant no.5 – Sunita Hanuman Rathod is concerned, the allegation is that she has thrown the chilly powder over the face of the complainant.

10. Learned counsel for the applicants submits that the injury certificate would not show any irritation to the eyes. However, without making any comment on the merit of this aspect and finding that she is a woman and she is not involved in the attempt to commit murder, in my view, her custodial interrogation also is not required.

11. In the result, the following order :-

12. Application of applicant no.1 – Hanuman S/o Sopan Rathod and applicant no.2 – Sopan S/o Rambhau Rathod in Criminal Application No. 1912 of 2016 stands disposed of as withdrawn.

13. Applicant – Dwarkabai W/o Sopan Rathod in Criminal Application NO. 1829 of 2016 be released on

bail in Crime No. I-16 of 2016 registered with Ashti Police Station, Dist. Jalna for the offences punishable under section 498-A, 307, 494, 506, 504 r/w. 34 of the Indian Penal Code, upon her executing P.R. bond in the sum of Rs.15,000/- (Rs. Fifteen Thousand) and also upon furnishing surety in the like amount.

14. In the event of arrest of applicant nos.3-Baliram Sopan Rathod, applicant no.4 - Surekha Baliram Rathod and applicant no. 5 - Sunita Hanuman Rathod in Criminal Application No. 1912 of 2016 in crime no. I-16 of 2016 registered with Ashti Police Station, Dist. Jalna for the offences punishable under section 498-A, 307, 494, 506, 504 r/w. 34 of the Indian Penal Code, each of them be released on bail, upon their executing P.R. bonds in the sum of Rs.15,000/- (Rs. Fifteen Thousand) each and also upon furnishing surety each in the like amount.

15. All the applicants, who are released on regular bail and on anticipatory bail, shall attend the Investigating Officer/Police Station between 09.00 am and 10.00 am on every Wednesday for four (4)

consecutive Wednesdays, starting from 13th April, 2016.

16. These applicants shall not make attempt to influence the prosecution witnesses in any manner.

17. Both the Criminal Applications are accordingly disposed of.

[M.T. JOSHI]
JUDGE

arp/