

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.4925 OF 2016

1. Indubai Namdeo Wagh,
Age 67 years, Occu. Housewife,
R/o Plot No.57, Ajebnagar,
Behind Vidyavardhini College,
Sakri road, Dhule
 2. Dipmala Prashant Joshi,
Age 35 years, Occu. Housewife,
R/o Plot No.57, Ajebnagar,
Behind Vidyavardhini College,
Sakri road, Dhule
 3. Sunita Ravindra Shirsat,
Age 41 years, Occu. Houswife,
R/o Plot No.137, Karuna Vihar
Society, Behind Vidyavardhini
College, Sakri road, Dhule
- ..Applicants

Versus

- . The State of Maharashtra
- ..Respondent

Mr Joydeep Chatterji, Advocate for applicants
Mr A.S. Shinde, A.P.P. for respondent

CORAM : A.M. BADAR, J.

DATE : 20 September 2016

PER COURT

1. Applicants, who are accused in Crime No.234/2016 for the offences punishable under Sections 395, 441 registered at Dhule Taluka Police Station, Dhule at the instance of Yatin Jadhav, by this application are seeking pre-arrest bail.

2. Heard the learned Counsel appearing for applicants/accused. He argued that weapons are not attributed to applicants who are ladies of the family of main accused - Prashant Wagh. The learned Counsel further argued that applicants averments referring to dacoity are as

vague, as they can be.

3. By drawing my attention to the two first information reports lodged on the very same day, it is urged that the F.I.R. in question is counter blast to the F.I.R. lodged by accused Prashant Wagh.

4. The learned A.P.P. opposed the application by contending that informant Yatin Jadhav had suffered severe grievous injuries apart from loss of money and valuables in the incident in question. The learned A.P.P. further argued that considering the nature of allegations against the applicants, no case for pre-arrest bail is made out.

5. Perused papers of investigation including the F.I.R. lodged by Yatin Jadhav. Also perused two F.I.R.s of same date lodged by co-accused Prashant Wagh against witness Pratap Mahale and other members of Mahale family.

6. According to prosecution case, informant Yatin Jadhav had taken the contract of erecting a fence to the field Gut No.18 alleged owned by Pratap Mahale. On 16th August 2016, work of erecting fence was going on. According to prosecution case, at about 2.00 p.m. of that day, present applicants and two accused Prashant Wagh Ravindra Shirsath and Kiran Dhiware entered in the field. They questioned the informant as to why he is erecting and laying out fence in their land. Then it is alleged that present applicants as well as co-accused assaulted Yatin Jadhav. It is further alleged by the informant that

during that assault, somebody had taken his gold chain, gold ring and cash of Rs.3,500/-. The F.I.R. shows that role attributed to present applicants is that of abuses and scuffles.

7. F.I.R. of Crime No.235/2016 for offences punishable under Sections 395, 441 as well as under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 lodged by co-accused Prashant Wagh on the very same day of lodging the F.I.R. by Yatin Jadhav shows that he had been to his field about 12.00 noon of 16th August 2016 and found informant Yatin Jadhav and members of Mahale family erecting compound to his field. Upon questioned by him, they all assaulted him and robbed him of golden ornaments and cash amounting to Rs.10,000/-. Then, there is another F.I.R. regarding the incident allegedly took place in the evening hours of 16th August 2016 itself lodged by Prashant Wagh. He averred that members of Mahale family came to his place and ransacked his house, they snatched his cash and gold ornaments and also caused damages to the house.

8. Prima facie, it appears that the dispute was regarding erection of fence to the field, which the prosecution party claims to be belonging to Pratap Mahale, whereas accused persons claimed it to be belonging to them. It appears that this dispute has resulted in melee and thereafter, free fight appears to have ensued in which both the parties have attributed averments of dacoity. So far as applicants are concerned, role of abuses and scuffle is attributed to them.

9. In this view of the matter, custodial interrogation of applicants who are women is not necessary in the factual backdrop, as stated in foregoing paragraphs. Hence, the following order :

ORDER

(I) The application is allowed.

(II) The applicants/accused, in the event of their arrest in above Crime by Dhule Taluka Police Station, Dhule be released on bail on executing P.R. Bond of Rs.15,000/- and on furnishing one surety in the like amount by each.

(III) As a condition of this order, the applicants shall not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the police or the Court.

(IV) The applicants shall not tamper the evidence of the prosecution.

(V) The applicants/accused to attend the concerned Police Station on 1st October 2016 in between 11.00 a.m and 1.00 p.m. and they should co-operate the Investigating Officer.

(A.M. BADAR, J.)

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