

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 6502 OF 2016

- 1] Miss. Pallavi Machindra Gaikwad,
Age : 25 years, Occu.: Education,
- 2] Miss. Rupali Machindra Gaikwad,
Age : 21 years, Occu.: Education,
- 3] Miss. Sarika Machindra Gaikwad,
Age : 28 years, Occu.: Tailoring,

All R/o Govt. Gharkul,
Near Water Canal,
Behind Maratha Boarding,
Ward No.3, Shrirampur,
Tq. Shrirampur, Dist. Ahmednagar .. Applicants

Vs.

The State of Maharashtra
Through City Police Station,
Shrirampur, Dist. Ahmednagar .. Respondent

Mr. R.P. Phatke, Advocate for the applicant
Mr. A.D. Namde, APP for the respondent/State

CORAM : A.S. CHANDURKAR, J.
DATE : 07/12/2016

ORAL ORDER :

Heard.

2. The applicants, who have been arrested on 11/7/2016, seek their release on bail, pursuant to their arrest in Crime no.I-181 of 2016 registered at

Shrirampur City Police Station, Dist. - Ahmednagar for the offences punishable under Section 302, 143, 147, 148, 149, 323 of the Indian Penal Code.

3. As per the FIR dated 11/7/2016, three brothers Ashish Gaikwad, Gorakh Gaikwad and Amol Gaikwad alongwith the present applicants assaulted Musa Gafur Pathan. Male members are stated to have assaulted said Musa Gafur with sticks while the present applicants are stated to have assaulted him with fists and blows. Said Musa Pathan succumbed to the injuries.

4. It is submitted by learned counsel for the applicants that the alleged overt act attributed to the applicants is assault by fist blows and kicks. It is submitted that all these three applicants are ladies and the death has occurred on account of the injuries suffered by blow of sticks. It is then submitted that considering the statements recorded of witnesses, who are related to the deceased, the present applicants deserve to be enlarged on bail. It is further submitted that the sticks in question have been seized from accused no.1 and after completion of the

investigation, chargesheet has now been filed. It is therefore submitted that applicants deserve to be enlarged on bail.

5. The application is opposed by learned Additional Public Prosecutor by relying upon the police papers. It is submitted that considering the injuries suffered and as presence of the applicants has been noted by witnesses, who have given kicks and blows, they do not deserve to be released on bail. It is further submitted that there is likelihood of applicants threatening the prosecution witnesses, in case they are released on bail.

6. Perused the FIR as well as the chargesheet. Presence of applicants has been noted by the witnesses, whose statements have been recorded. Assault by sticks is attributed to the male members. Statement of Shahrukh Mansuri recorded under Section 164 of the Code of Criminal Procedure relates to the applicants hitting said Musa Pathan with hand. As per the post-mortem report, contused injuries are suffered on the abdomen and near the elbow. Considering the fact that

applicants are behind bars since 11/7/2016 and their role is with regard to assault by fist blows, their detention in these facts is therefore not warranted. Chargesheet has already been filed in September, 2016. Appropriate conditions can be imposed to prevent any attempt by them to tamper with the prosecution witnesses.

7. In view of aforesaid, following order :-

ORDER

I] The applicants, who have been arrested in connection with Crime no.I-181 of 2016 registered at Shrirampur City Police Station, Dist. - Ahmednagar for the offences punishable under Section 302, 143, 147, 148, 149, 323 of the Indian Penal Code, be released on bail, upon furnishing P.R. bond of Rs.15,000/- (Rs. Fifteen Thousand) with one surety in the like amount, by each of them.

II] The applicants shall not enter the jurisdiction of Shrirampur Taluka, Dist. - Ahmednagar, till the completion of trial.

III] They shall however furnish their residential address to the Investigating Officer and shall co-operate in the investigation.

IV] They shall not attempt to coerce the prosecution witnesses.

8. Observations made in the present order are only for deciding the bail application.

9. Application is accordingly allowed and disposed of.

[A.S. CHANDURKAR]
JUDGE

arp/