

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.283 OF 2016

Sakhubai Raghu Andre	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

R.B. Raghuvanshi, Adv. i/b. Ratnesh Dube, Adv. for the applicant.
Mrs. G.P. Mulekar, APP for the State.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 15th February, 2016.

P.C. :

1. This is an application for anticipatory bail filed by the aforesaid applicant apprehending his arrest in Crime No.40 of 2015 registered with Kamshet Police Station, Pune for offences punishable under Sections 143, 147, 148, 149, 307, 323, 504 & 506 of the IPC.

2. The case of the prosecution in brief is that on 16th December, 2015 at about 8 am, the applicant along with other co-accused formed an unlawful assembly, armed with weapons and that assaulted one Vishwanath T. Nanekar and thereby attempted to cause his death. The applicant and the others are also alleged to have abused and intentionally insulted and intimidated the complainant and others. The aforesaid crime came to be registered pursuant to the

FIR lodged by Vishwanath Nanekar. Apprehending her arrest the applicant herein filed application for anticipatory bail which came to be dismissed by the Addl. Sessions Judge, Pune by an order dated 22nd January, 2016. Hence the present application.

3. Mr. Raghuvanshi, the learned counsel for the applicant submits that there is no material on record to indicate that the applicant was involved in committing said crime. He has further submitted that the records indicate that the applicant herself was injured and / or admitted in the hospital. He has further submitted that the allegations levelled against the applicant do not justify custodial interrogation.

4. Mrs. Mulekar, the learned APP for the State submits that the material on record prima facie indicates that the complainant has sustained grievous head injuries. She has further submitted that the statement of the witnesses also prima facie indicates that the applicant was involved in inflicting injuries on the witnesses. She therefore contends that the applicant is involved in committing serious offence. Hence the applicant is not entitled for bail.

5. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties. The FIR prima facie indicates that on 16th December, 2015 at about 8 am, there was an altercation between the complainant and the husband of the applicant over braking of the taps and diverting the water. The complaint alleged that the husband of the applicant and others were armed with weapons such as knives, sticks, sickles etc. The complaint has alleged that the husband of the applicant and others had assaulted him by means of deadly weapons. The specific allegations against the applicant are that she had abused the complainant and held him while her husband and others assaulted him.

6. The FIR does not prima facie indicate that the applicant herein was armed with any weapon or that she had inflicted any injury on the complainant. The medical certificate prima facie indicates that the complainant had sustained incised wound of 2 x 1 x 1 cms on head. Though the said injury is stated to be grievous, the medical certificate does not prima facie indicate that the said injury is covered by Section 320 of IPC. The other injuries are simple in nature.

7. The nature of the allegations levelled against the applicant and the nature of the injuries sustained by the complainant do not justify custodial interrogation. The applicant is a woman and is a permanent resident of Nanegaon, Tal. Maval, Dist. Pune. There are no chances of her absconding or thwarting the course of justice.

8. Considering the above facts and circumstances, the application is allowed on the following terms and conditions.

- i. In the event of arrest of the applicant in Crime No.40 of 2015 registered with Kamshet Police Station, Pune, the applicant shall be released on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand Only) with one or two sureties in the like amount to the satisfaction of the Addl. Sessions Judge, Pune .
- ii. The applicant shall report to investigating officer for 4 days from 10 am to 1 pm from the receipt of this order.
- iii. The applicant shall not tamper with the evidence or influence complainant and the other witnesses in any manner.

(ANUJA PRABHUDESSAI, J.)