

Anand

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

ANTICIPATORY BAIL APPLICATION No.718 OF 2016

1. Ms Rekha Pratap Borkar .Applicants
2. Sou. Kamla Pratap Borkar

Vs.

The State of Maharashtra .Respondent

Mr.Satyam Nimbalkar, Advocate, for the
Applicants

Mr.Y.M.Nakhwa, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 03.05.2016

P.C.

. Heard learned counsel for the
Applicants and the learned APP for the
Respondent – State.

2. By this Application, the Applicants
seek pre-arrest bail in connection with C.R.No.
50 of 2016 registered with the Saswad Police
Station, District – Pune(Rural), for the alleged
offences punishable under Sections 143, 147,
148, 149, 324, 504, 506 r/w.34 of the Indian

Penal Code.

3. The Complainant is Shankar Baburao Bhandvalkar. The Applicants are the mother and sister of the original accused Nos.1 & 2. According to the Complainant, the incident took place on 05.03.2016 at about 3.00 p.m., when Accused No.1-Ranjeet Borkar and Accused No.2-Uttam Borkar were digging a road. He has alleged that when he asked them not to dig the road, till the Court passes an appropriate order, a quarrel ensued between them. He has alleged that one Balasaheb Borkar pushed him and Accused No.1-Ranjeet Borkar and Accused No.2-Uttam Borkar started abusing him and when he asked them not to abuse, Accused No.2-Uttam Borkar assaulted him with fist blows. He has further alleged that Accused No.1-Ranjeet Borkar assaulted him with an iron rod on his head and when he cried for help, his grandson-Hrishikesh Bodare and daughter-Sarika Bhandvalkar came

running to the spot. He has alleged that when they tried to save him, Accused No.1-Ranjeet Borkar assaulted Hrishikesh with an iron rod on his head and back and Accused No.2-Uttam Borkar assaulted his daughter-Sarika with fist blows. He has further alleged that on hearing cries, the Applicants came running to the spot and they too started assaulting with fist blows.

4. Learned counsel for the Applicants submitted that the allegations against the Applicants are general in nature and that there are no specific allegations, that the Applicants assaulted any of the injured. He submitted that the allegations are essentially as against Accused No.1-Ranjeet Borkar and Accused No.2-Uttam Borkar.

5. Learned APP has produced the Injury Certificate of the Complainant and others. He does not dispute the fact, that the allegations

against the Applicants are general in nature and that the Applicants reached the spot after the assault by the other co-accused on the Complainant, Hrishikesh and Sarika.

6. Perused the papers. Considering the fact, that the allegations against the Applicants are general in nature and that there are no specific allegations that the Applicants assaulted any of the injured and considering the fact, that they reached the spot after the assault on the Complainant, Hrishikesh and Sarika, the Applicants are granted Anticipatory Bail on the following terms & conditions:

ORDER

(i) In the event of arrest, the applicants be enlarged on bail, on executing PR Bond in the sum of Rs.10,000/- each with one or two sureties in the like amount;

(ii) The applicants shall report to the investigating officer of the Saswad Police

Station, District – Pune(Rural) as & when called for by the investigating officer till the filing of the charge-sheet;

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

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

8. 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.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)