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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**ANTICIPATORY BAIL APPLICATION NO.1195 OF 2016**

Sou. Nandabai Dhananjay Kanase and Ors. ..Applicants.

V/s.

State of Maharashtra

..Respondent.

Mr.Kuldeep Patil i/b. Mr.Prashant S. Hagare for the applicant.

Mrs.Veera Shinde, APP for respondent-State.

**CORAM : A.M.BADAR, J.**

**DATED : 19TH JULY, 2016**

**P.C. :-**

1. Applicants / accused in Crime No.184/2016 for the offences punishable under section 326, 324, 504 and 506 read with 34 of the Indian Penal Code registered with Walchandnagar Police Station, Taluka Indapur, District Pune are praying for pre-arrest bail.

2. Heard the learned counsel appearing for applicants / accused. He argued that no offence punishable under section 326 of the Indian Penal Code is made out even during the investigation. The learned counsel argued that the

offence which may be prima facie attracted will be one punishable under section 324 of the Indian Penal Code. According to the learned counsel for applicants, the incident is a fall out of the dispute regarding right to way to the field. In the revenue proceedings, husband of one of the applicant got injunction against the informant.

3. The learned APP opposed the application by submitting that there are eye witnesses to the incident in question.

4. Perused the papers of investigation. Informant Chhaya Mankar alleged in her F.I.R. that when she was proceeding from the road in front of the house of applicants / accused, applicants assaulted her by means of sickle and stones. The injury certificate of informant Chhaya Mankar shows that she suffered contused lacerated wounds over right labial aspect of wrist joint and swelling over left parietal region with cerebral odema.

5. Considering the nature of injuries and weapons used in the alleged offence, custodial interrogation of

applicants / accused who are women is not warranted. Hence the order :-

- (i) The application is allowed;
- (ii) In the event of arrest, applicants / accused in Crime No.184/2016 for the offences punishable under section 326, 324, 504 and 506 read with 34 of the Indian Penal Code registered with Walchandnagar Police Station, Taluka Indapur, District Pune be released on bail on their executing P.R. bond in the sum of Rs.5,000/- each with one surety in the like amount by each of them;
- (iii) As a condition of this order, applicants / accused shall attend Walchandnagar Police Station, District Pune on 31<sup>st</sup> July, 2016 between 11.00 a.m. to 1.00 p.m. and they shall co-operate with the Investigating Officer;
- (iv) Applicants / accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against them so as to dissuade him / her from disclosing such facts either

to the Court or to any police officer and that he shall not tamper with the evidence;

(v) Applicants / accused shall co-operate for expeditious disposal of the trial;

(vi) Applicants / accused shall not commit an offence similar to the offence of which he is accused or suspected of commission;

(vii) The application is disposed of accordingly.

**(A.M.BADAR, J.)**