

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1598 OF 2016

1. Sindhubai Suryaba MaskeApplicants
2. Maya Suresh @ Suryaba Maske

V/s.

The State of MaharashtraRespondent

Mr. Umesh Mankapure Advocate for Applicant.
Ms. A. T. Jhaveri APP for the State.
Mr. B. S. Birajdar, API, Sangola Police Station

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : AUGUST 20, 2016.

PC :

1) Heard. This is an application under Section 439 of the Code of Criminal Procedure, 1973. Applicants herein were arrested on 02/07/2016 and 05/07/2016 in crime no. 430 of 2016 registered at Sangola Police Station, District Solapur and they are being prosecuted for offence punishable under sections 307, 504, 506, 143, 147, 148, 149 r/w 34 of the Indian Penal Code.

2) It is the case of the prosecution that on 02/07/2016 one Anusaya Maske lodged a report at Solapur Rural Police Station, alleging therein that on 01/07/2016, there was a quarrel between the family of the complainant and

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the family of present Applicant. It is alleged that in the said altercation, some of the people were injured. The role attributed to the present applicants is that they had abused the complainant and her family members and had thrown chilli powder in the eyes of Samadhan and Mahadev. It appears that the dispute was of a trifling nature. It also appears that there are cross complaints. The only allegation against the present applicants is of throwing chilli powder in the eyes of Samadhan and Mahadev and it is alleged that the applicant no. 2 had bitten on the forearm of Manohar and they all had assaulted Dharma & Vaman. Applicants have been in custody for more than one and half month. It also appears that the injuries sustained by the victim are simple in nature. It also appears that a cross complaint was filed by the family members of the present applicant on the basis of which crime no. 431 of 2016 is registered against the informant.

3) Applicants are woman and by virtue of the Proviso to Section 437 of the Code of Criminal Procedure, 1973, applicants would be entitled to be enlarged on bail. However, it is made clear that observations made herein above are prima facie in nature and shall not be considered for quashing of F.I.R., discharge application or at the time of trial.

ORDER

- (i) Application is allowed.
- (ii) Applicants be enlarged on bail on furnishing P.R. bond in the sum of Rs. 15,000/- each with one or two sureties in the like amount.
- (iii) Applicants shall report to the concerned police station as and when called.

(SMT. SADHANA S. JADHAV, J.)