

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1502 OF 2016

1 Sou. Chaya Bittu Pawar.
2 Sou. Ashwini Sharad Pawar. ... Applicants.

Versus

The State of Maharashtra. ... Respondent.

Mr. Prashant S. Hagare, advocate for Applicants.

Ms. Veera Shinde, APP for State.

Mr. M.S. Nimbalkar, API, Indapur Police Station, Pune (Rural).

**CORAM : SMT. SADHANA S. JADHAV,J
DATE : SEPTEMBER 19, 2016**

P.C.:

1 Heard the learned Counsel for the applicants and the learned
APP for State. Perused the papers.

2 This is an application under Section 438 of the Code of Criminal
Procedure, 1973. The applicants herein are apprehending their arrest

in C.R. No. 342 of 2016 registered at Indapur Police Station on 22/7/2016 for offence punishable under Section 143, 147, 149, 326, 324, 323, 504 and 506 of the Indian Penal Code.

3 It is the case of the prosecution that Chagan Pawar while being admitted in Nilkanth Hospital, Indapur gave a statement to the police that on 21/7/2016 the present applicants had approached him when he was standing in front of his house. Tushar Pawar had threatened him not to cultivate the land bearing Gat No. 747 and 748. There is a civil suit pending in respect of the said property. Tushar Pawar assaulted the complainant with an iron rod. Sharad Bittu Pawar has assaulted his wife Asha. Similarly, his son Mahesh was assaulted by the present applicants and they were also threatened of dire consequences. That they had approached the police station and with a requisition letter they were admitted in the hospital. On the basis of the said report, Crime No. 342 of 2016 is registered against the applicants.

4 Perused the papers of investigation, more particularly, injury certificates. It is alleged by the prosecution that the present applicants had assaulted Mahesh with deadly weapons. The injury certificate issued by Government Hospital at Indapur shows that the injured Mahesh had sustained one simple injury in the nature of contused lacerated wound. He was taken to Nilkanth Hospital and the certificate issued by Nilkanth Hospital shows that the injured Mahesh had sustained one simple injury and a grievous injury on the left forearm, which was diagnosed to be a fracture. It is pertinent to note that both the injury certificates are of the same date. Prima facie, it appears that Mahesh had sustained simple injuries. The applicants are being prosecuted for the offence under section 326 of the Indian Penal Code. The offence is triable by the Court of Judicial Magistrate First Class. The applicants are women. The applicant No. 2 is a young lady, who appears to be the daughter-in-law of applicant No.1.

5 Taking into consideration the nature of allegations, papers of investigation and submissions advanced across the bar, the applicants deserve to be protected.

6 However, it is made clear that the observations made herein above are prima facie in nature and are restricted to the application under section 438 of the Code of Criminal Procedure, 1973. The learned trial court shall not be influenced by the same while deciding application for discharge or quashing of FIR OR at the time of trial.

7 Hence, following order is passed :

ORDER

(i) The application is allowed.

(ii) In the event of arrest in Crime No. 342/2016, the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- each and one or two sureties in the like amount.

(iii) The applicants shall report to the police station as and when called by the Investigating Officer and cooperate with the investigating agency.

8 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)