

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

BAIL APPLICATION NO.1757 OF 2015

Jayshri Chaturdas Pawar

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

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

Ms R.M. Gadhvi, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 5th JANUARY, 2016.

P. C. :

The aforesaid Applicant was arrested in Crime No.422 of 2014 registered with Indapur Police Station, District- Pune, for the offences punishable under sections 302, 324, 506 r/w. section 34 of the IPC.

2. The allegations against the Applicant are that on 19.12.2014 the complainant and other family members had gone to the house of the accused to question them about the incident of assault on Kiran. It is alleged that one Bhavdya had slapped the complainant and thereafter the Applicant and another co-accused had thrown chutney /chilly powder on the eyes of the complainant and

subsequently the co-accused assaulted the father and mother of the complainant. Father of the complainant succumbed to the injuries whereas the complainant had sustained simple injury. Pursuant to the FIR lodged by the complainant Ganesh Mahadev Pawar, aforesaid crime came to be registered and the Applicant and other co-accused were arrested on 15.2.2015. Upon completion of the investigation charge sheet was filed before the learned Judicial Magistrate, First Class, Indapur. The Applicant had filed bail application before the Sessions Court at Baramati. The said application came to be rejected by Additional Sessions Judge, Baramati, vide order dated 20.8.2015 mainly on the ground that some of the accused are still absconding. Hence, the present application.

3. Mr. Kuldeep Patil, the learned counsel for the Applicant has submitted that the Applicant is not involved in inflicting any serious injuries on the complainant or on the father of the complainant. He has further stated that the FIR does not disclose that the Applicant had thrown chilly powder in the eyes of the complainant and such allegations were made for the first time in the supplementary statement. The Applicant is a woman with three minor children. He submitted that considering the above facts and also considering the

fact that the charge-sheet is already filed, the Applicant may be released on bail.

4. Ms Gadhvi, the learned APP for the Respondent -State submits that the Applicant is involved in throwing chutney /chilly powder in the eyes of the complainant. She further submits that the Applicant is involved in a crime, which is of serious nature. Hence, she should not be released on bail.

5. I have perused the records and considered the submissions advanced by the learned counsel for the Applicant and the learned APP for the Respondent -State. At the outset it may be mentioned that the learned Sessions Judge has dismissed the bail application mainly on the ground that some of the accused are absconding. Suffice it to say that this is not a consideration for grant or refusal of bail.

6. Be that as it may, the FIR lodged by Ganesh Pawar prima facie reveals that on 19.12.2014 at about 12.00 p.m. one Bhavdya had abused and slapped one Kiran. The complainant and his family members had gone to the house of the accused to question them about the said incident of assault. The complainant had alleged that said Bhavdya, the co-accused, had slapped him and that he had thrown

chilly powder on his body. He had stated that said Bhavdya had assaulted him with wooden sticks and when his parents intervened, the co-accused and others had assaulted his father Mahadev Pawar and caused him serious injuries. Said Mahadev Pawar expired on the spot.

7. The FIR does not prima facie indicate that the Applicant herein was involved in the said incident. The allegations against the Applicant were made for the first time in the supplementary statement dated 21.12.2014, wherein it was stated that the Applicant, who is the wife of said Bhavdya had thrown chutney on his body. Apart from the said statement there is no prima facie material to indicate that the Applicant herein had caused any grievous injury either to the complainant or to his father. The Applicant is a woman and is stated to have three minor children. Besides being a permanent resident of Lakhewadi, Taluka-Indapur, there is no possibility of the Applicant absconding and fleeing from the course of justice. Considering the above facts and also considering the nature of the allegations levelled against the Applicant, in my considered view this is a fit case for grant of bail.

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

- (I) The Applicant is ordered to be released on bail on furnishing bail bonds of Rs.40,000/-(Rupees Forty Thousand only) with one surety to the like amount to the satisfaction of Sessions Court, Baramati.
- (II) The Applicant shall not interfere with the complainant or his family members in any manner.
- (III) The Applicant shall attend all the dates of hearing in the Sessions Court, Baramati.

(ANUJA PRABHUDESSAI, J.)