

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1859 OF 2016

Sundarbai Shivdas Gaikwad	Applicant
V/s.	
The State of Maharashtra	Respondent

WITH
CRIMINAL BAIL APPLICATION NO. 1860 OF 2016

Thakubai Mohan Kale	Applicant
V/s.	
The State of Maharashtra	Respondent

WITH
CRIMINAL BAIL APPLICATION NO. 1865 OF 2016

Thakubai Mohan Kale and another	Applicants
V/s.	
The State of Maharashtra	Respondent

Mr. Satyavrat Joshi Advocate for Applicant in BA 1859 of 2016
& 1860 of 2016
Mr. Aashish Sawant Advocate for the Applicant in BA 1865 of 2016
Mr. Prashant Jadhav APP for the State in BA 1859 of 2016
& 1860 of 2016
Mr. S. H. Yadav APP for the State in BA 1860 of 2016.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : 2nd DECEMBER, 2016.

PC :

1) Criminal Bail Application Nos. 1859 of 2016 and 1860 of 2016 are

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received through jail by the applicants who had filed earlier Bail Application No. 1865 of 2016. In view of this, Criminal Bail Application Nos. 1859 of 2016 and 1860 of 2016 stand disposed of. The learned counsel Shri. Satyavrat Joshi is hereby discharged.

2) Criminal Application No. 1865 of 2016 is an application under section 439 of the Code of Criminal Procedure, 1973. Leave to add/amend. Applicants herein are arrested on 13/05/2016 in crime no. 113 of 2016 registered at Ambad Police Station, Nashik. Investigation is completed and charge-sheet is filed on 08/08/2016 against present applicants for offence punishable under sections 302, 307, 323, 504, 506, 143, 144, 146, 147 and 148 of the Indian Penal Code.

3) It is the case of the prosecution that on 12/05/2016, Dilip Dandekar lodged a report at the police station alleging therein that on 24/04/2016, Dhanaji Gaikwad and others had attacked his house and had assaulted Sapna, daughter of Anil Dandekar and Sunita. Both families were having grudge against each other. Sunita had lodged a report about the said incident to Ambad Police Station. On 12/05/2016 at about 3.30 p.m. in the afternoon, complainant, his brothers Suresh, Ashok and Tatya had been to State Bank

Chowk. They were near the bus stop. Ashok and Tatya had been to purchase the liquor in the shop of Maharani Wines. At that time, Pappu Kale came to the spot in his rickshaw. He was accompanied by Anil, Thakubai i.e. present applicant no. 1, Mohan, Sundarbai Gaikwad, Vinayak Gaikwad, Sampat and 2 – 3 other persons and mounted assault upon Tatya and Ashok. The male members were armed with iron rods. Vinayak was armed with a wooden log with which they assaulted Ashok and Tatya. Mohan had assaulted with a broken beer bottle. Ashok and Tatya had collapsed to the ground instantaneously. It is alleged that thereafter also, both the deceased were being assaulted with fist and kick blows. The allegation against applicant no. 1 is that she had lifted the stone and hit on the head of Ashok and Sundarabai had thrown a stone in the head of Tatya. Soon thereafter, first informant reached the spot and saw that his brothers were lying in a pool of blood. The allegation against present applicants is that they had thrown stones on the head of Ashok and Tatya respectively after they had collapsed to the ground due to the assault by the male members.

4) The learned counsel for the applicant has placed on record the copy of Aadhar Card of applicant which shows that her date of birth is 1945. The

learned counsel for the applicants submits that the copy of the Aadhar Card has been furnished to him by the briefing Advocate. Copy of the same is taken on record and marked as article 'X' for the purpose of identification. The learned APP shall verify the genuineness of the copy of Aadhar Card.

5) In view of this, stand over to 06/12/2016.

(SMT. SADHANA S. JADHAV, J.)