

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.695 OF 2016
(Swarn Kaur Chilyani and another vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Shri G.G. Saoji, Advocate for applicants.

Shri S. Kadu, Additional Public Prosecutor for
respondent.

CORAM : P.N. DESHMUKH, J.

DATED : DECEMBER 09, 2016

This application is filed by both female accused involved in Crime No. 275/2016 registered by Pachpaoli Police Station, Nagpur for the offence punishable under Section 326 read with Section 34 of Indian Penal Code.

Heard learned Counsel for applicants and Shri Kadu, learned Additional Public Prosecutor for respondent.

It is submitted by Shri Saoji, learned Counsel for applicants that applicants are falsely involved as relations between complainant, who is their neighbour and applicants, who are mother and daughter respectively, were strained much prior to alleged incident mentioned in the report. It is, therefore, contended that as applicants are falsely involved and being females, though investigation is in progress, they be granted anticipatory bail by imposing suitable conditions.

Shri Kadu, learned Additional Public Prosecutor for respondent, opposes the application by contending that there is direct evidence of injured eye witness Gyan Kaur as well as complainant, which is also corroborated by medical evidence.

Perused the case diary made available by learned Additional Public Prosecutor. From the report, it is noted that relations between complainant and applicants were strained about 4-5 months prior to incident, which is stated to have occurred on 16/7/2016 at about 7.30 p.m. wherein is alleged that both applicants committed assault on complainant as well as on her mother-in-law by knife.

From the medical certificates of both the injured, there appears injuries caused to complainant on her right wrist joint as well as right forearm just below elbow, which are said to be grievous while her mother-in-law is certified to have sustained one stab injury over 2nd and 3rd intercostal space on the left side, which is also stated to be grievous. Though from the documents it is found that medical report prima facie corroborates the contents of report, having considered the fact that both the applicants are females, aged about 52 and 22 years respectively and as presence of applicants is required for the purpose of knife, application can be allowed by imposing conditions upon applicants as per order below :

In the event of arrest of applicants, they shall be released on bail on their furnishing P.R. Bond in the sum of Rs.20,000/- each with one surety in like amount. Applicants shall mark their presence with Investigating

Officer from 10/12/2016 for one week between 10 a.m. and 2 p.m. and thereafter, if called, till filing of charge-sheet. Applicants shall furnish proof of their residential address to Investigating Officer and shall update the same in the event of any change therein.

The criminal application is accordingly allowed.

JUDGE

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