

CRIMINAL APPLICATION NO. 2575 OF 2017

VERSUS

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ORDER :

One Babasaheb Ghongade lodged complaint to the police station alleging that on 15.5.2017 at about 8.40 hours when Satish was coming from his field, another accused Ramnath Ghongade called him and inquired as to why he has made a cross-complaint and abused and slapped. Thereafter Satish came to his house and informed the incident to the complainant. He further informed that accused Ramnath, Ramesh, Somnath, Ganesh along with the present applicants came to the house of the complainant armed with lathi, stone, axe and

they assaulted Satish. Complainant and his wife tried to rescue from the incident. At that time, accused Ramesh assaulted complainant with axe on his right hand. Accused Somnath and Ganesh assaulted his son by stick and the present applicants assaulted wife of the complainant namely Bababai with stick and stone.

2. Heard Mr. R.V.Gore, learned counsel for the applicants and Mr. A.A.Jagatkar, learned A.P.P. for the respondent/State.

3. Learned counsel for the applicants submits that there is no specific role attributed to the present applicants. Accused nos. 2 and 3 were arrested and released on regular bail. Accused no.1 applied for anticipatory bail and accused no.4 is not yet arrested and the present applicants are accused nos. 5 to 7. The statement of injured Bababai was recorded and she alleged that present applicants assaulted her with wooden stick and stone.

4. Looking to the particular statement of injured witness Bababai, it reveals that she

stated that accused Mirabai, Muktabai, Kadubai i.e. Present applicants took lathi from the hands of Somnath and by pelting stone caused injury near left eye. The statement of this witness is a common allegation of assaulting by wooden stick. Ordinarily, it is impossible, because three persons cannot assault by one stick. Statement to that effect is absolutely vague. Besides above statement, there is no material to show active participation of these applicants in the crime.

5. Considering the allegations against the present applicants, I am of the opinion that custodial interrogation of the present applicants is not necessary. The applicants are ladies. Without securing the presence of the applicants the investigating officer can investigate the matter very well. There is no question of recovery of any weapon from the applicants since the statement of assault on injured witness Bababai by three accused persons with one lathi appears to be improbable. In such circumstances, the applicants are entitled for anticipatory bail.

6. Hence, Criminal Application is allowed.

(i) Applicants be released on bail in the event of their arrest in connection with Crime No. 180 of 2017, registered at Paithan police station, District Aurangabad on furnishing P.R. bond of Rs. 15,000/- with one surety in the like amount.

(ii) Applicants shall not tamper with the evidence of prosecution in any manner and shall cooperate in further investigation.

(iii) Criminal Application is disposed of.

(K.L.WADANE, J.)

dbm/crap2575.17