

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AURANGABAD**

CRIMINAL APPLICATION NO. 3120 OF 2017

Vimalbai w/o Ramkishan Khodwe ... Applicant

VERSUS

The State of Maharashtra ... Respondent

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Mr. K.R.Doke, advocate h/f

Mr. S.S.Shinde, advocate for the applicant

Mr. K.N.Lokhande, A.P.P for respondent

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CORAM : K.L.WADANE, J.

DATED : 11th JULY, 2017

O R D E R :

Heard learned counsel for the applicant
and the learned A.P.P. for the respondent.

2. One Himachal Khodwe lodged complaint to
the police station Ambajogai (Rural) on 28.03.2017
alleging that, when the complainant was in his
house on 25.03.2017, he noticed that the present
applicant and other accused persons standing in
front of his house. The complainant enquired
them as to why they are pelting stones on his
house. Thereafter, accused persons started to
abuse. Another accused Santosh Kejgir assaulted

the informant by throwing stone on his face. The present applicant assaulted the mother of the informant by fist and kick blows.

3. On the basis of the complaint filed by the complainant offence came to be registered with Crime No. 88/2017 for the offences punishable under section 326, 325, 324, 336, 504, 506 read with section 34 of the Indian Penal Code.

4. During the course of arguments learned counsel Mr. Doke appearing for the applicant points out the first information report lodged by the daughter-in-law of the present applicant against complainant Himachal. On perusal of the same, it appears that, the same was lodged on 28.03.2017 against Himachal for outraging modesty. Mr. Doke, learned counsel for applicant further submits that, the first information report given by the daughter-in-law of the present applicant was first in time and in order to give counter blast, the present offence came to be registered against the applicant.

5. Looking to the nature of the allegations

in both the first information reports and the fact that there are allegations against the present applicant about the assault by means of kick and fist blows.

6. Learned A.P.P. submits that the complainant and his mother were injured in the incident and he referred to the injury certificate.

7. Any how, the allegations against the present applicant are that she caught hold the hair of the complainant and assaulted by means of fist and kick blows.

8. Looking to the nature of allegations against the present applicant, her custodial interrogation is not necessary, since it has not been pleaded by prosecution that her custody is required for the purpose of recovery of any weapon.

9. In such circumstances, in the event of arrest of the applicant in connection with Crime No. 88 of 2017, registered with Ambajogai (Rural) police station, District Beed, she be released on

bail on her furnishing P.R. bond of Rs.10,000/-
with one surety in the like amount.

10. Criminal Application is disposed of.

(K.L.WADANE, J.)

dbm