

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO. 6537 of 2017.**

1. Bharti Kishor Nandre,
Age 36 years, Occ. Anganwadi
Sevika.
2. Pratibha Harischandra Nandre,
Age 30 years, Occ. Housewife.
3. Sangita Ramesh Nandre,
Age 42 years, Occ. Housewife.
4. Vatsalabai Dattatraya Nandre,
Age 79 years, Occ. Housewife.
5. Bhatu Suklal Patil,
Age 81 years, Occ. Nil.
All R/o. Mohadi Pr. Dangri,
Tq. & Dist. Dhule.
6. Kalpanabai Bhatu Patil,
Age 37 years, Occ. Housewife.
R/o. Palghar, Tq. & Dist.
Palghar. ... Applicants.

VERSUS.

The State of Maharashtra,
Through : Police Inspector,
Songiri Police Station,
Dist. Dhule. ... Respondent.

...

Advocate for the Applicants : Mr. D.S.Bagul.
APP for Respondent/State : Mr. S.Y. Mahajan.

CORAM : V.L. ACHLIYA, J.
DATE : 29th November, 2017.

ORAL ORDER :

1. The applicants apprehending arrest in connection with Crime No. 104/2017 registered at Songir Police Station, District Dhule, for the offences punishable under sections 307, 143, 147, 148, 149, 323, 427 of the Indian Penal Code and under section 4/25 of Indian Arms Act, have preferred this application seeking anticipatory bail.

2. Heard learned counsel for the applicants and the learned APP for the respondent/State.

3. In short, it is the contention of the learned counsel for the applicants that applicants are falsely implicated in the case at the instance of informant on account of dispute between informant and the family members of the applicants. He submits that the dispute in respect of acceptance of change-report, pending before the Assistant Charity Commissioner. By referring the first information report, learned counsel submits that role attributed to applicants in alleged commission of offences confines to just presence on the spot. Except pulling hairs of Maltibai no other overt act is attributed to them. He further submits that applicant No. 5 is more than 81 years of age. No overt

act is attributed to him except that he caught hold informant while informant was assaulted by accused. He further submits that investigation is practically over. The accused who are attributed overt act and alleged to have possessed arms are already arrested and lying in jail since last three months. He submits that entire family has been roped in the case. It is further contended that, there is marriage in the family of the applicants.

4. On the other hand learned APP submits that applicant No. 5 has caught hold the informant while accused No. 1 assaulted by means of sword. He further submits that names of all the applicants are mentioned in the first information report and they are also attributed specific role in commission of offences. It is contended that assault was made in furtherance of common object of unlawful assembly formed by accused persons of which the applicants were members. In the background of overall facts and circumstances of the case, learned APP submits that application be rejected.

5. On due consideration of the submissions in the light of first information report and further taking into consideration the fact that investigation is

practically over and the prime accused in the case are already arrested, I am of the view that the applicants deserves to be released on anticipatory bail. Role attributed to the applicants confines to their presence on spot and pulling the hairs of one of the injured. Entire family of the applicants appears to be implicated in the case. Applicants No. 4 and 5 are 79 and 81 years old respectively. Applicants No. 1, 2, and 6 are also members of the family. Thus, on due consideration of over all facts of the case, I am inclined to allow the application. Grant of anticipatory bail will not hamper the ongoing investigation. Hence, following order is passed.

ORDER.

1. Application is allowed.
2. In the event of arrest of the applicants in connection with Crime No. 104/2017 registered at Songir Police Station, District Dhule, for the offences punishable under sections 307, 143, 147, 148, 149, 323, 427 of the Indian Penal Code and under section 4/25 of Indian Arms Act, the applicants be released on each of them furnishing bail in the sum of Rs. 15,000/- with one surety in the like amount, on following conditions.

- (i) They shall appear before the officer in-charge of police station as and when

directed by the investigating officer.

(ii) They shall not indulged into any act amounting to tampering of the prosecution witnesses.

3. In the event of breach of any of the conditions, the anticipatory bail granted to applicants liable to be cancelled.

6. Criminal application stands disposed of in above terms.

(V.L.ACHLIYA, J.)

mkd/-