

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.510 OF 2017

Anita Gorakh Chavan

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.A.S. Patil for the Applicant

Ms.S.S. Kaushik, APP, for Respondent – State

Mr.S.D. Pawar, PI, Karkamb police station, Solapur – present

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: MARCH 23, 2017**

P.C. :

1. This application is filed by the applicant/accused for pre-arrest bail as the applicant/accused apprehends arrest in C.R. No.9 of 2017 registered with Karkamb Police Station, District Solapur, for the offences punishable under sections 353, 332, 506 r/w section 34 of the Indian Penal Code. The complaint was filed by one Shri Sharad Ramling Kadam, Police Head Constable.
2. It is the case of the prosecution that the complainant head constable alongwith other police persons received information that a wanted accused in C.R. No.517 of 2016 registered with Akluj

police station, who was facing charges under section 307 r/w section 34 of the Indian Penal Code and under sections 3 and 25 of the Arms Act, was hiding himself in the field of Sarubai Vasant Chavan. Therefore, the complainant and other police raided the premises. At that time, they could locate two persons hiding themselves. The police apprehended the two persons. At that time, one person assaulted the complainant with fist blows. He bit the police and tried to run away. He called a lady for help and asked her to bring a sickle. At that time, the applicant/accused started throwing stones towards them and the said person thus got an opportunity to run away. The name of that person was Pandurang Gorakh Chavan, who is the son of the applicant/accused Anita Gorakh Chavan. The other person was caught by the police. Thereafter, the complainant Sharad Kadam gave the statement before the police, pursuant to which the offence was registered at C.R. No.9 of 2015 at Karkamb police station, Solapur Rural.

3. The learned Counsel for the applicant/accused has submitted that the applicant/accused is innocent. She did not pelt the stones. It was Sarubai, who has committed the offence. The

applicant/accused was available at the time and is still available to the police, however, the police did not arrest her yet.

4. Learned Prosecutor has opposed the application and relied on the statement of the complainant.

5. Perused the FIR. Considered the role of the applicant/accused that she pelted stones on the police. However, there is no specific injury to the police caused due to the stone pelting. The applicant/accused is not yet arrested though the applicant/accused is charged under section 153 of the Indian Penal Code which is non-bailable. Considering the manner in which the offence has taken place and the role attributed to the applicant/accused, who is a lady of 60 years of age, I allow the Anticipatory Bail Application on the following terms:

- a) In the event of arrest, the applicant-accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.20,000/- with one or two solvent sureties in the like amount;

- b) The applicant-accused shall cooperate with the Investigating Officer and attend the concerned police station on every Saturday between 11 a.m. to 1 p.m., till 30.4.2017.
- c) The applicant/accused shall not harass or pressurise the complainant;
- d) The applicant-accused shall not tamper with the evidence and shall not indulge into any criminal activity;
- e) The applicant-accused shall not abscond or leave India without prior permission of the Court and furnish his permanent address to the Investigating Officer alongwith documentary proof of his address.
- f) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Court for cancellation of bail.

6. Anticipatory Bail Application is disposed of on the above terms.

(MRIDULA BHATKAR, J.)