

nsc.

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.536 OF 2017

Anita Bajirao Sargar	...Applicant
Versus	
The State of Maharashtra	...Respondent

Ms.P.P.Kakade, for the Applicant.

Ms.Prashant Jadhav, A.P.P. for the Respondent-State

API – A.K.Shendage, Malshiras Police Station, Solapur (Rural).

CORAM : REVATI MOHITE DERE, J.

DATE : 5th APRIL, 2017

P.C. :

1. Heard learned counsel for the applicant and the learned APP for the Respondent – State.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R.No.41 of 2017 registered with the Malshiras Police Station, Solapur for the alleged offences punishable under Sections 307,

323, 324, 504, 506 r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicant submitted that the complainant had first assaulted the applicant and her family members, pursuant to which an altercation took place between the two parties. She submitted that the complainant had assaulted the applicant with a koyta on her head, pursuant to which she received injuries.

4. Learned APP has tendered the injury certificates.

5. Perused the papers. The incident in question has taken place on 25th February, 2017 at 8.15 a.m., outside the applicant's house. It appears that the applicant's side has also lodged a complaint as against the complainant and 7 others, which was registered vide C.R.No.40 of 2017 with the Malshiras Police Station, Solapur , alleging offences punishable under Sections 324, 323, 504, 506, 143, 147, 148, 149 of the Indian Penal Code and under Section 135 of the Bombay Police Act. It is alleged in the said complaint i.e. in C.R.No.40 of 2017, that the complainant in the present CR i.e. in C.R.No.41 of 2017, alongwith others assaulted the

applicant and her family members with axe, koyta and iron rods. In the present C.R. i.e. in C.R.No.41 of 2017, the applicant is alleged to have assaulted the complainant – Suresh with a koyta.

6. Perused the injury certificate of the complainant – Suresh B. Sargar. It appears that he has sustained an abrasion over his vertex. The probable cause of injury is stated to be with a hard and blunt object and is stated to be a simple injury. The injury certificate of the applicant shows that she too has sustained a CLW over parietal region with a hard and blunt object and a contusion on her left forearm with a hard and blunt object. Both the said injuries are also stated to be simple.

7. Considering the fact that there are cross cases filed with regard to the same incident and the injuries sustained by the complainant at the hands of the applicant, the application is allowed and the applicant is granted pre-arrest bail on the following terms and conditions :-

ORDER

- i) In the event of arrest, the Applicant be enlarged on bail on furnishing P.R.Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;

- ii) The Applicant shall attend the concerned police station, every Monday, between 10.00 a.m. to 11.00 a.m., till the filing of the charge-sheet ;
 - iii) The Applicant shall inform the latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing.
 - iv) The Applicant shall not tamper with the evidence or attempt to influence the complainant, witnesses or any person concerned with the case;
 - v) The Applicant shall co-operate with the Investigating Agency.
8. The Application is allowed and disposed of in above terms.
9. It is made clear, that the observations made herein, are prima-facie, for the purpose of deciding this application.
10. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)