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

CRIMINAL BAIL APPLICATION NO.895 OF 2017

1. Shobha Phulsing Rathod
2. Dhanabai Umaji Rathod
3. Sharubai Ramesh Rathod
4. Sunita@Suman Gurunath Rathod ...Applicants

Versus

The State of Maharashtra ...Respondent

Mr.U.R.Agandsurve, for the Applicants.

Mr.S.S.Hulke, A.P.P. for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 27th APRIL, 2017

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicants seek their enlargement on bail in connection with C.R.No.42 of 2017 registered with the Salgarwasti Police Station, Solapur for the alleged offences punishable under Sections 307, 326, 327, 363, 324, 143, 148, 149, 323, 504 and 506 of the Indian Penal Code.

3. Learned Counsel for the Applicants submitted that the applicants are alleged to have assaulted the complainant and others with fist and kick blows. He submitted that in all there are 19 accused in the present case. He relied on the injury certificates, which are from page nos.44 to 49 of the application. He submitted that it is the other co-accused who are alleged to have assaulted the complainant and others with sticks, iron pipes and iron rods and not the applicants.

4. Perused the papers. The incident in question has taken place on 13th February, 2017, at about 10.45 p.m., when the complainant had gone to his field, to see whether the horses had entered the field. He has alleged that all the co-accused came on a motorcycle and questioned the complainant as to why he had informed the police regarding the illicit liquor business which was being run by them. He has alleged that pursuant thereto, co-accused – Prakash Umaji Rathod, assaulted the complainant by means of a iron pipe on his shoulder. He has further stated that when he tried to escape, co-accused – Prakash compelled him to sit on the motorcycle of co-accused – Gurunath Rathod and that all the co-accused took the complainant to the field. At the field, the complainant has alleged

that the accused i.e. 19 accused started abusing him in filthy language and assaulted him by means of fist and kick blows. He has further alleged that co-accused – Ramesh Rathod, assaulted him with an iron pipe on his shoulder and co-accused – Gurunath assaulted him with an iron pipe on his head. He has further alleged that when his family members came to intervene in the said quarrel, the co-accused abused them in filthy language and also assaulted them with fist and kick blows and with an iron pipe. He has alleged that somebody snatched his gold chain worth Rs.1,25,000/-, pursuant to which, the aforesaid complaint was lodged. A perusal of the medical certificate shows that 4 persons, including the complainant have sustained injuries in the said incident. He submitted that out of the said 4 injured persons, 3 have received grievous injuries and one has received a simple injury. The grievous injuries appear to have been caused by some weapon. The applicants are ladies and they are alleged to have assaulted the complainant and others with fist and kick blows.

5. Considering the role assigned to the applicants and keeping in mind the proviso to Section 437 of the Code of Criminal Procedure, the application is allowed and the applicants are enlarged on bail on the

following terms and conditions:-

ORDER

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

ii) The Applicants 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.

6. The Application is allowed and disposed of in above terms.

7. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

8. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)