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

ANTICIPATORY BAIL APPLICATION NO.997 OF 2017

Shobha Subhash Galinde	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Harshad Nimbalkar i/b Mr.S.H.Nimbalkar, for the Applicant

Mr.S. H. Yadav, A.P.P for the Respondent-State

Mr.A.U.Nikam, for the Intervener/Original Complainant.

Police Constable – T.V.Khade, Baramati City Police Station, Pune.

CORAM : REVATI MOHITE DERE, J.

DATE : 20th JUNE, 2017

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 254 of 2017 registered with the Baramati City Police Station, Pune, for the alleged offences punishable under Sections 143, 147, 148, 149, 307, 323, 504, 506 of the Indian Penal Code.

3. Learned Counsel for the applicant submits that the applicant is alleged to have instigated and is alleged to have called her sons, pursuant to which the incident of assault took place. He submitted that according to the complainant, the applicant assaulted her with a stick on her leg as well as Sudhakar Sangale on his leg. He submitted that other co-accused are alleged to have assaulted Sudhakar with an iron rod and a cricket bat.

4. Learned APP opposed the application. He has tendered the injury certificate of the complainant – Ranjana Wanve and injured – Sudhakar Sangale.

5. Perused the papers. It appears that the applicant is the owner of the flat where the complainant was residing. It appears that there were some quarrels between the applicant and the complainant. The incident has taken place on 11th April, 2017, at about 11.30 a.m., when the complainant – Ranjana alongwith her brother Sudhakar and Anna Mane had gone to the complainant's flat. The applicant was sitting at the counter of Jai Hind Bazar, on the ground floor. According to the complainant, when she demanded keys of the terrace of the building, as there was some leakage

in her house, the applicant got enraged and started abusing her. It is further alleged that the applicant called her sons i.e. co-accused – Santosh Galinde and Yogesh Galinde. It is stated that Santosh and Yogesh, were armed with an iron rod and a cricket bat, when they came to the spot. The other co-accused are also alleged to have come to the spot. It is alleged that the applicant instigated the accused to assault the complainant and others. It is alleged that the applicant assaulted the complainant – Ranjana and Sudhakar with a stick on their legs and that the other co-accused assaulted them with an iron rod and cricket bat. A perusal of the injury certificate of the complainant – Ranjana shows that she has given history of assault by 4 to 5 persons by an iron rod on 11th April, 2017 at about 11.15 a.m. The injuries noticed in the injury certificate are abrasion over left supraclavicular area and some swelling over left eye brow and infra orbital area and left arm pain on abduction. Sudhakar has given history of assault by 4 to 5 persons with an iron rod and a cricket bat. The injury certificate shows that Sudhakar has suffered the following injuries:- i) Large CLW at left supraorbital region ii) CLW over left eye brow iii) CLW infra-orbital iv) Two linear bruise marks on right upper arm v) abrasion at right thumb vi) contusion at occipital region with abrasion. CT Scan show that there

was displaced fracture of right parietal bone etc. The injury caused to Sudhakar is stated to be grievous injury. As far as applicant is concerned, the applicant is alleged to have instigated the co-accused and is alleged to have assaulted the complainant and Sudhakar with a stick, on their legs. There is no corresponding injury by stick on the legs, of either the complainant or Sudhakar.

6. Considering the aforesaid, the custodial interrogation of the applicant is not required. Accordingly, the application is allowed and the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

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

(ii) The applicant shall report to the Investigating Officer of the concerned Police Station as and when called, till the filing of the charge-sheet or for a period of three months from today, whichever is earlier.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.
8. It is made clear that the observations made herein are *prima facie* and are confined to this application.
9. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)