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

ANTICIPATORY BAIL APPLICATION NO.1049 OF 2017

- | | | |
|----|--------------------------|---------------|
| 1. | Shashikala Balu Gawade | |
| 2. | Tai Namdev Gawade | ...Applicants |
| | Versus | |
| | The State of Maharashtra | ...Respondent |

Mr.Kuldeep Patil i/b Mr.P.S.Hagare, for the Applicants

Ms.P. P. Shinde, A.P.P for the Respondent-State.

API – P.V.Kale, Baramati Taluka Police Station, Pune.

CORAM : REVATI MOHITE DERE, J.

DATE : 27th JUNE, 2017

P.C. :

1. Heard learned Counsel for the parties.

2. By this application, the applicants seek pre-arrest bail in connection with C.R. No. 236 of 2017 registered with the Baramati Taluka Police Station, Pune, for the alleged offences punishable under Sections 143, 147, 148, 149, 307, 452, 326, 324, 323, 504, 506 of the Indian Penal Code and under Section 135 of the Bombay Police Act.

3. Learned Counsel for the applicants states that with respect to the incident dated 26th May, 2017, there is a cross case filed by the applicants' side. He submitted that no role has been assigned to the applicants, who are ladies.

4. Learned APP does not dispute the fact that no specific role has been attributed to the applicants, who are ladies. She also does not dispute the fact that with respect to the said incident, there is a cross case filed by the applicants' side.

5. Perused the papers, including the injury certificates of the injured. The incident has taken place on 26th May, 2017. With respect to the said incident, there is a cross case filed, by the applicants' side, as against the complainant in the present case and others, alleging offences punishable under Section 324 etc. It appears that although the applicants have been named in the FIR, no specific role has been attributed to them. The injury certificates show that Laxmi Bharati, Anil Bharati and Vimal Bharati, have received simple injuries. As far as Pravin Bharati is concerned, he has sustained a fracture of the elbow; Rukminibai Bharati

has fractured her ankle; Namdev Bharati has sustained fracture of distal pholy and Babai Bharati has sustained a CLW over middle finger, CLW over right temporal region of scalp and injuries over the right and left knee. There are in all 17 accused in the said case and some of the accused are still in custody.

6. Considering the fact, that the applicants are ladies aged 50 and 65 years respectively and considering their role i.e. general allegations as against the applicants, the application is allowed and the applicants are granted pre-arrest bail on the following terms and conditions :

ORDER

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

(ii) The applicants 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;

(iii) The applicants shall inform their 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 Investigating Officer of the concerned Police Station, in writing;

(iv) The Applicants shall co-operate with the Investigating Agency.

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.