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

CRIMINAL BAIL APPLICATION NO.1500 OF 2017

Mandakini Dashrath Barangule	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.P.G.Sarda, for the Applicant.

Mr.Rajan Salvi, A.P.P for the Respondent-State

PSI – S.B.Patre, Vairag Police Station, Solapur Rural.

CORAM : REVATI MOHITE DERE, J.

DATE : 27th JULY, 2017

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks her enlargement on bail in connection with C.R.No.236 of 2016 registered with the Vairag Police Station, for the alleged offences punishable under Sections 302, 452, 504, 506 r/w 34 of the Indian Penal Code.
3. Learned Counsel for the applicant submitted that admittedly the applicant is not alleged to have assaulted the deceased or the

complainant – Bhairu Navnath Jadhav. He submitted that the role alleged as against the applicant is, that she abused and exhorted the co-accused to assault the deceased - Navnath Jadhav and assaulted the complainant's mother – Chaya Jadhav with fist and kick blows. He submitted that investigation is complete and charge-sheet is filed. He further submits that the applicant is in custody, since 21st September, 2016.

4. Learned APP does not dispute the fact, that the applicant has not assaulted the deceased - Navnath Jadhav.

5. Perused the papers. It appears that the incident took place due to an earlier incident. On 20th September, 2016 at 5.00 p.m., the applicant alongwith co-accused is alleged to have entered the house of the complainant – Bhairu Navnath Jadhav. It is alleged that the co-accused assaulted the complainant's father-Navnath Jadhav, with swords, iron pipes and sticks. The applicant is alleged to have been present at the spot, and is alleged to have abused and exhorted the accused, not to leave Navnath Jadhav alive. The applicant is also alleged to have assaulted complainant's mother – Chaya Jadhav with fist and kick blows. No injuries were found

on her person. Admittedly, the applicant has not assaulted the deceased. The applicant is in custody since 21st September, 2016. Investigation is complete and charge- sheet is filed. The applicant is also entitled to the proviso to Section 437 of the Code of Criminal Procedure.

6. Considering the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- i) 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 not contact the complainant, witnesses or any person concerned with the case.

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

8. 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.

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

(REVATI MOHITE DERE, J.)