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

ANTICIPATORY BAIL APPLICATION NO.1204 OF 2017

1. Dattu Pandurang Ware
2. Sunil Pandurang Ware
3. Devram Soma Ware
4. Keshav Bacchu Ware
5. Subash Chima Ware
6. Kantilal Chima Ware
7. Vilas Dagadu Ware
8. Dada Dagadu Ware
9. Madhav Kantilal Ware
10. Vasant Soma Ware
11. Roshan Shivram Ware
12. Deepak Shivram Ware
13. Suraj Shivram Ware
14. Ankush Soma Ware
15. Vitthal Soma Ware
16. Kondoji Kalu Ware
17. Hirabai Devram Ware
18. Manjulabai Dattu Ware
19. Pramila Kantilal Ware

...Applicants

Versus

The State of Maharashtra

...Respondent

Ms.R.M.Khairnar, for the Applicants

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

PN-Mr.V.K.Patil, Ghoti Police Station, Nashik

CORAM : REVATI MOHITE DERE, J.

DATE : 13th JULY, 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.I-100 of 2017 registered with the Ghoti Police Station, Nashik, for the alleged offences punishable under Sections 143, 147, 148, 149, 323, 324, 504, 427, 352, 436 of the Indian Penal Code.
3. Learned Counsel for the applicants submit that the entire Ware family has been arraigned as accused. She submitted that there are 23 persons who have been named in the FIR and that subsequently in the Supplementary Statement around 16 more persons from the Ware family have been named. She submits that the allegations as against all the accused are false and baseless. She also submits that the applicant nos.17, 18 and 19 are ladies and that their prayer for pre-arrest bail, be considered sympathetically.

4. Learned APP opposed the application. He submitted that in the incident which took place on 1st June, 2017, all the applicants had gone to the complainant's house and had damaged his property and set the house on fire and as such had damaged property worth Rs.4 lakhs.

5. Perused the papers. All the applicants are related to each other. It appears that the incident took place on 31st May, 2017, at about 9.00 p.m., in the complainant's house. The applicant nos.1 and 2 alongwith their brother – Jagganath Pandurang Ware are alleged to have come to the complainant's house and asked the complainant's brother – Ananta Donde, why he had misbehaved with Jagganath's wife. It is alleged that the applicant nos.1 and 2 and Jagganath Ware assaulted the complainant's brother – Ananta Donde and also abused him. The applicant nos.1 and 2 and Jagganath Pandurang Ware are also alleged to have entered in the complainant's house and assaulted some of the family members and alleged to have damaged the motorcycle.

6. On the next day, i.e. on 1st June, 2017, all the applicants alongwith 4 others are alleged to have gone to the house of complainant as

they suspected that Jagganath's wife had committed suicide as Ananta Donde had misbehaved with her. All the accused are alleged to have damaged the motorcycle and vehicles outside the complainant's house. It is further alleged that the applicants and others thereafter went to the house of Krishna (cousin of the complainant) and damaged the property and set his house on fire. Admittedly, all the applicants have been named in the FIR alongwith 4 others. The applicants have set the house on fire and have damaged the property. As far as applicant nos.17 to 19 are concerned, being ladies, their prayer for pre-arrest bail is being considered sympathetically.

7. Accordingly, the application is partly allowed. As far as the prayer for pre-arrest bail of applicant nos.1 to 16 is concerned, the same is rejected. As far as applicant nos.17 to 19 - Hirabai Devram Ware, Manjulabai Dattu Ware and Pramila Kantilal Ware, are concerned, the said applicants are granted pre-arrest bail on the following terms and conditions:-

ORDER

(i) In the event of the arrest, the applicants - Hirabai Devram

Ware, Manjulabai Dattu Ware and Pramila Kantilal Ware, be enlarged on bail on executing P.R. Bond in the sum of Rs.10,000/- each with one or two sureties in the like amount ;

(ii) The applicants - Hirabai Devram Ware, Manjulabai Dattu Ware and Pramila Kantilal Ware, shall report to the Investigating Officer of the concerned Police Station on 19th and 20th July, 2017 between 10.00 a.m. to 12.00 noon, and thereafter, as and when called, till the filing of the charge-sheet or for a period of three months from today, whichever is earlier.

8. The application is partly allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie* and are confined to this application.

10. If an application for Regular Bail is filed by Applicant Nos.1 to 16, the same shall be considered on its own merits, uninfluenced by the observations made in this order.

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

(REVATI MOHITE DERE, J.)