

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

CRIMINAL BAIL APPLICATION NO. 2333 OF 2016

Mrs. Manjula Mangal Barade. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Pankaj D. Kavale, advocate for Applicant.

Mrs. P.P. Shinde, APP for State.

**CORAM : SMT. SADHANA S. JADHAV, J
DATE : FEBRUARY 6, 2017**

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP for State. Perused the papers.

2 This is an application under section 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested on 6/5/2016 in Crime No. 90 of 2016 registered at Padgha Police Station on 6/5/2016. Investigation is completed and charge-sheet is filed against the applicant and other members of her family for offence

punishable under section 302, 307, 324, 143, 147, 148, 149, 504, 506 of the Indian Penal Code.

3 It is the case of the prosecution that on 6/5/2017 Vivek Vishnu Patil lodged a report at the police station alleging therein that the family of the applicant had distant relationship with his family. That his paternal uncle was using the open place in front of his house for stocking manure. It appears that the said plot was an open plot. His paternal uncle has claimed ownership over the said open plot. The husband of the applicant also claimed the ownership over the said plot. There used to be intermittent quarrels between both the families over the claim and possession of the said open plot. On 6/5/2016 at about 11 a.m. niece of Vivek Patil has informed him that the present applicant, her husband and their son were quarreling with Shubhangi and her grand-mother. The said quarrels were pacified. However, on the same day after some time, Mangal Barade had gone on motor cycle and had abused paternal uncle of the complainant and there was some altercation and in the said altercation, husband of present

applicant had assaulted Ravindra on his head with wooden log. It is alleged that the applicant had also actively participated in the said incident and the present applicant had assaulted Anjanibai with another wooden log. And that she had also assaulted the complainant. On the basis of the said report, Crime No. 90 of 2016 is registered.

4 Perused the papers of investigation. The complainant has specifically contended that the present applicant had assaulted him. It appears from the injury certificate that he had sustained one contused lacerated wound on his head which was a grievous injury and one contusion on the right fore arm which is also a grievous injury. Keval has also allegedly sustained injury at the hands of the present applicant which appears to be a contused wound on the temporo parietal region. The injury sustained by the deceased at the hands of the husband of the present applicant had been fatal.

5 The learned APP submits that the applicant has actively participated and has assaulted two persons with wooden log and hence, she does not deserve to be enlarged on bail.

6 It appears that all the members of the family were quarreling with the deceased and the father of the complainant. Taking into consideration the role attributed to the applicant, she deserves to be enlarged on bail.

7 The learned Counsel for the applicant submits that all the members of the family of the applicant have been implicated. It is also submitted that it could be a case of family dispute. The brother-in-law of the present applicant had also sustained injury in the same incident. However, no offence is registered in respect of the same.

8 However, it is made clear that the observations made herein above are prima facie in nature and are restricted to the application

under section 439 of the Code of Criminal Procedure, 1973 and shall not be considered at the time of trial.

9 Hence, the following order is passed :

ORDER

(i) The application is allowed.

(ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- and one or more sureties in the like amount.

(iii) The applicant shall not reside in village Tulshi till the conclusion of the trial.

10 The application stands disposed of accordingly.

(SMT. SADHANA S. JADHAV, J)