

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

ANTICIPATORY BAIL APPLICATION NO. 20 OF 2018

Aashabai Sanjay Gavali & Anr.

....Applicants

V/s.

The State of Maharashtra

....Respondent

Mr. Priyal G. Sarda for the applicants.

Mrs. J.S. Lohkare, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 21st AUGUST, 2018.

P.C.:

. The applicants herein have filed this application under section 438 of Criminal Procedure Code, apprehending their arrest in Crime No.434/2017 registered with Kurdiwadi Police Station, District Solapur for offences punishable under sections 143, 147, 148, 149, 323, 324, 326, 336, 504 and 506 of the Indian Penal Code.

2. Heard Mr. Priyal G. Sarda, learned counsel for the applicants and Mrs. J.S. Lohkare, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The aforesaid crime was registered pursuant to the first information report lodged by Manoj P. Shinde. The first information report *prima facie* reveals that the applicants and the other members of the family has gone to the house of the first informant. They had abused and assaulted the first informant Manoj P. Shinde and his father Pandurang Shinde by means of sticks and rods. It is alleged that the co-accused Sanjay Gawde had inflicted an injury with stick on the head of Pandurang Shinde whereas Abhijit had assaulted him on his legs. It is alleged that Ranjit Gawde gave a blow of iron rod on the abdomen of Pandurang and on the right hand of the first informant. The allegations against the applicants are that they had pelted stones on the first informant and his father Pandurang Shinde.

4. The medical report *prima facie* indicates that the first informant had sustained contusion on forearm and abrasion whereas Pandurang Shinde has sustained contusion on left temporal region. The records *prima facie* reveal that the main allegations are against Sanjay Gawde, Abhijit and Ranjit . The only allegations against the applicants are that they had pelted stones. The statements on the witnesses vis-a-vis medical report do not *prima facie* indicate that there injured persons had sustained injuries due to pelting of stones.

5. Considering the aforesaid facts and the fact that the applicants are ladies, in my considered view, their presence is not required in the custody for the purpose of interrogation. Hence, the Anticipatory Bail Application is allowed on following terms and conditions :-

(a) In the event of arrest of the applicants in Crime No.434/2017, they shall be released on bail on furnishing fresh bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with one or two solvent sureties in the like amount, to the satisfaction of Investigating Officer.

(b) The applicants shall remain present before the Investigating Officer as and when required by the Investigating Officer for the purpose of interrogation.

(c) The applicants shall furnish the details of their permanent as well as temporary address and their contact number to the Investigating Officer.

(d) The applicants shall not interfere with the witnesses in any manner.

(e) The applicants shall not change their residential address without prior intimation to the Investigating Officer.

(SMT. ANUJA PRABHUDESSAI, J.)