

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application [APPP] No.753 of 2018
in
Criminal Application [ABA] No.274 of 2018

Rajkanya w/o Bharat Kale

vs.

State of Maharashtra, through Police Station House Officer, Darwha, Dist. Yavatmal

*Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.*

Court's or Judge's Orders

*Shri R.J. Shinde, Advocate for the Intervenor.
 Shri V.D. Darne, Advocate for the Applicant.
 Shri M.K. Pathan, A.P.P. for the State.*

CORAM : S.B. SHUKRE, J.
DATE : 24th APRIL, 2018.

Heard.

For the reasons stated in the application, the application is allowed in terms of it's prayer.

Criminal Application [ABA] No.274/2018 :

Heard the learned Counsel for the applicant and the learned A.P.P. assisted by learned Counsel Shri R.J. Shinde.

Issue notice to the non-applicant/State.

The learned A.P.P. waives notice on behalf of the State and files on record reply of the prosecution.

It is seen that there are two First Information Reports lodged in respect of one and the same incident, which occurred in the morning of 28/03/2018. The timing of the incident was from 09:00 a.m. to 09:30 a.m. It is also seen that in respect of this incident, which appears to be in the nature of a scuffle and then quarrel between two groups, the F.I.R. lodged by the group to which this applicant belongs vide Crime No.187/2018 is prior in point of time. This F.I.R.

has been lodged at midnight at 00:24 hours of 29/03/2018. The F.I.R., it is further seen, lodged by the rival group of this applicant vide Crime No.188/2018 is later in point of time. It was lodged at about 05:53 p.m. of 29/03/2018.

In the F.I.R. vide Crime No.188/2018, this applicant has been arrayed as accused no.8. However, no specific role has been attributed to this applicant in that. It is not alleged in the F.I.R. that she committed any overt act, except for the general allegation that the ladies, who took part in the quarrel, participated in dashing up with the members of the rival group.

There are, however, statements of eye-witnesses, some of whom had also been there in the quarrel that took place, which show that this applicant along with her co-accused namely Vaishali, Rupali, Pramilabai and several others bearing in their hands sticks, iron rods, spring belts and stones, had beaten up some of the members of the rival group. Again this allegation is of general nature as everybody, who participated in the quarrel, has been named as a culprit, who beat up to the members of the rival group by such instruments or weapons like sticks, iron rods, spring belts and stones.

It is further seen that in this quarrel, it is not only the members of the rival group of this applicant, who sustained injuries, but at least two members of the group to which this applicant belongs also suffered injuries. The nature of injuries may vary. But, the facts remains that some members of either of the groups had sustained injuries.

Considering the above referred facts and circumstances of the case, at this stage, I am of the view that the possibility of the exaggerated allegations being made is not ruled out. Besides, the F.I.R. filed against this applicant is much later in point of time than the F.I.R. filed against the rival group of this applicant by Prashant Kale, who is a member of the group to which this applicant belongs. The applicant is also a woman.

In these circumstances, I am inclined to allow this application.

The application is allowed and it is directed that in the event of arrest of the applicant in Crime No.188/2018 registered with Police Station Darwha, District Yavatmal, the applicant be released on bail on her furnishing a P.R. Bond of Rs.30,000/- together with one solvent surety in the like sum on the following conditions :

- i. The applicant shall attend the concerned police station everyday between 11:00 a.m. and 12:00 p.m. for a period of one week starting from 29th April, 2018 and also on such other occasions as may be required by the Police.
- ii. She shall co-operate with the Investigating Officer in the investigation of the case.
- iii. She shall not tamper with the prosecution witnesses in any manner.

The application is disposed of.

JUDGE