

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1553 OF 2019

Rajubai @ Rajashree Shankar Dhembare & Ors.] ... Applicants

Versus

The State of Maharashtra] ... Respondent

Mr. Rajaram Bansode, Advocate for the Applicants.

Smt. A.A. Takalkar, APP for the State/Respondent.

Ms. Snehal Chothani a/w M. Bodke, Advocate for the Original Complainant/Intervener.

PC S.S. Kakade attached to Mhaswad Police Station present.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 17th JULY, 2019.

P. C. :-

1. The applicants are seeking anticipatory bail in connection with C.R.No.47/2019 registered with Mhaswad Police Station, District Satara u/sec. 307, 143, 147, 148, 326, 323, 504, 506 r/w 149 of I.P.C. and u/sec. 4, 25 of the Indian Arms Act as well as u/sec. 37 (1) (3), 135 of the Maharashtra Police Act.

2. The FIR is lodged on 14/03/2019 by one Chhaya Shinde. She has stated in her FIR that, there was dispute between her father and her cousin Shankar in respect of the water of their common well.

Shankar is husband of Applicant No.1. Shankar has two sons Prakash and Pradeep. Applicant Nos.2 and 3 are their wives respectively. In the FIR, it is further mentioned that on 13/03/2019 at around 8.30 p.m., all the family members of Shankar including the present applicants came outside house of the informant's father. The aggressors were carrying weapons like swords, iron rods, wooden sticks, axis etc. Shankar and Prakash were carrying swords. It is further alleged that Shankar assaulted the first informant with sword on her head. Prakash assaulted one Bapu with his sword on his head. Then, all the others accompanying them assaulted Maruti, Bhimrao, Appa etc. The neighbours gathered at the spot and thereafter, the incident came to an end. Based on these allegations, the FIR was lodged.

3. The investigation is conducted and the charge-sheet is filed against the arrested accused. The present applicants were not arrested. The charge-sheet is annexed to this application. It contains medical certificates in respect of the injury suffered by three injured i.e. Maruti, Bapu and the informant Chhaya. Maruti had suffered six simple injuries in the nature of contusions and one CLW. Bapu had

suffered four grievous injuries and eight simple injuries, whereas Chhaya had suffered one grievous injury on her shoulder and six simple injuries in the nature of contusions and CLWs. There are statements of injured eye witnesses Maruti and Bapu. Similarly, there are statements of other eye witnesses namely Bhimrao, Asha, Arjun etc. All these eye witnesses have narrated the incident in the same manner as is narrated in the FIR.

4. Heard Mr. Rajaram Bansode, Ld. Counsel for the Applicants, Smt. A.A. Takalkar, Ld. APP for the State/Respondent and Ms. Snehal Chothani, Ld. Counsel for the Original Complainant/Intervener.

5. Ld. Counsel for the applicants submitted that, the applicants are ladies and no specific role of assault is attributed to them. None of the statements of the eye witnesses attributed a particular weapon or a particular role to any of these applicants. The applicants are ladies. They are falsely implicated because the first informant and her family wanted to involve all the members of the opposite party. He submitted that custodial interrogation of the present applicants is not necessary.

6. As against these submissions, Ld. APP as well as Ld. Counsel for the Intervener submitted that some of the accused are still absconding and may not be available for investigation. They submitted that the offence is serious and they were charged of being members of an unlawful assembly. Ld. APP and Ld. Counsel for the Intervener opposed the grant of anticipatory bail.

7. I have considered these submissions. Ld. Counsel for the applicants has rightly pointed out that no specific role or even any weapon is attributed to any of the applicants. There are general allegations. Accused Shankar and Prakash were carrying swords, iron rods and axes. The injuries are suffered by three persons. Out of them, only Chhaya and Bapu had suffered grievous injuries. Chhaya had suffered one grievous injury and Bapu had suffered four grievous injuries. But none of these injuries are attributed to the present applicants. In this view of the matter, mainly considering the fact that, they are ladies and no role is attributed to them, their custodial interrogation is not necessary. However, they will have to co-operate with the investigation and attend the police station for that purpose. Hence, the following order.

ORDER

1. In the event of their arrest in connection with C.R.No.47/2019 registered with Mhaswad Police Station, District Satara, the Applicants are directed to be released on bail on their furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
2. The applicants shall attend the concerned police station from 29/07/2019 to 31/07/2019 between 3.00 p.m. to 5.00 p.m., and they shall co-operate with the investigation. They shall be interrogated only in the presence of a lady police officer.
3. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)