

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

ANTICIPATORY BAIL APPLICATION NO.2456 OF 2019

1) Parvati Raosaheb Shinde; and
2) Nandini Chandrakant Fadtare .. Applicants

Vs.

State of Maharashtra .. Respondent

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Mr.V.V. Purwant a/w. Mr.Rushikesh S. Kale, Advocate for the Applicants.

Mr.H.J. Dedhia, APP for the Respondent - State.

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CORAM : PRAKASH D. NAIK, J.

DATED : NOVEMBER 13, 2019.

P.C. :

This is an Application for anticipatory bail in connection with C.R.No.0368 of 2019, registered with Mangalvedha Police Station, District-Solapur, for the offence punishable under Section 302 read with 34 of Indian Penal Code ("IPC", for short).

2 The case of the prosecution is that Parmeshwar Raosaheb Shinde was murdered three years ago. Applicant no.1

is wife of Parmeshwar Shinde. The deceased in the present case was apprehended for committing the murder. On 7th August, 2019, the informant and Navnath Shinde (deceased) had visited the village. At about 11:00 a.m. Raosaheb Shinde and Shubham Fadtare were armed with sticks and they were chasing the informant and Navnath Shinde. The informant also noticed that the wife of Raosaheb Shinde and his daughter were also present at the said place. The informant and Navnath Shinde tried to leave the said place. At that time, Raosaheb Shinde and Shubham Fadtare chased them. Raosaheb threw stone towards them, as a result of which the first informant sustained injuries. Subsequently, Raosaheb Shinde assaulted Navnath Shinde by stick and gave blow on his head. It is alleged that Navnath Shinde was assaulted on account of murder of Parmeshwar Shinde. The other accused Shubham also assaulted Navnath Shinde.

3 Learned Counsel for the Applicants submitted that there is no involvement of the Applicants in the crime. The co-accused who had allegedly assaulted were arrested. One of them is juvenile. The charge-sheet has been filed against Raosaheb Shinde. Learned APP submitted that the incident had occurred on account of rivalry. The husband of Applicant No.1 was murdered

by the deceased. Hence, the accused had conspired to kill the deceased.

5 On perusal of FIR and other documents which are part of the Application, it is apparent that the only role which was ascribed to the Applicants is that on the day of incident upto particular point, the Applicants were found following the co-accused. On perusal of the said FIR it can be seen that the deceased was assaulted by the co-accused. While he was being assaulted, the Applicants were not present at the scene of offence. Thus, the Applicants have not participated in the assault in any manner. Applicant No.1 is aged about 72 years. Applicant No.2 is the daughter of Applicant No.1. In the circumstances, the custodial interrogation of the Applicants is not necessary.

6 Hence, I pass the following order:

:: ORDER ::

- (i) Anticipatory Bail Application No.2456 of 2019 is allowed;

- (ii) In the event of arrest of the Applicants in connection with C.R.No.0368 of 2019, registered with Mangalvedha Police Station, District-Solapur, they be released on bail on their furnishing PR Bond in the sum of Rs.25,000/-, each, with one or more sureties in the like amount;
- (iii) Applicants shall attend the investigating officer as and when called for, till filing of the charge - sheet;
- (ii) Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)