

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

ANTICIPATORY BAIL APPLICATION NO.738 OF 2019

Smt. Meerabai Namdeo Gatir

....Applicant

Vs.

State of Maharashtra.

....Respondent.

WITH

ANTICIPATORY BAIL APPLICATION NO.828 OF 2019

Pintu @ Janardan Daulat Gatir

....Applicant

Vs.

State of Maharashtra.

....Respondent.

.....

- Mr.Sanjeev Kumar B. Deore a/w. Suchita J. Pawar for Applicants.
- Mr. S. R. Agarkar, APP for State/respondent.
- PSI Anand Mohan Mali, Ghoti P.Stn. Nasik is present.

CORAM : SARANG V. KOTWAL, J.

DATE : 10th JUNE, 2019

P.C. :

1. In both these applications the applicants are seeking anticipatory bail in connection with C.R.No. I 15/19 registered with Ghoti police station, Nasik U/s.143, 147, 148, 326, 325, 324, 504, 506 and 149 of the Indian Penal Code. At present the chargesheet is filed and Section 307 is also applied. The case of the

prosecution is based on the F.I.R. lodged by Uttam Lahane.

2. The first informant's daughter Radhika had matrimonial dispute with her husband and his family. The husband's family did not want Radhika and her family members to meet Radhika's son. When Radhika and her father attempted to meet Radhika's son outside the school, the husband and his family members went there carrying weapons. The applicant in ABA No.738/19 Meerabai is mother in law of Radhika and applicant in ABA No.828/19 is Radhika's husband's uncle. It is the allegation of the first informant that all of them got down from their car. The husband and others were carrying sword and stick. The role attributed to Meerabai, the applicant in ABA No.738/19 is that, she only assaulted with kick and fist blows, whereas, F.I.R. does not attribute any particular role to the applicant Pintu in ABA No.828/19.

3. Heard learned counsel Shri. Sanjeev Deore for the applicants and Shri. Agarkar, APP for the State.

4. The F.I.R. though mentions that assault with weapon was made by others and Meerabai only assaulted with kick and fist

blows. The F.I.R. is silent about the role of Pintu about his participation. However, learned APP produced papers of investigation which show that injured Uttam has suffered CLW on his head which is of 7x2x 2cm. in dimension. Similarly, there was fracture of his left forearm. Radhika has also suffered four injuries. Allegations in the prosecution case are supported by the medical papers. There are statements recorded U/s.164 of Cr.p.c., they are of Radhika and the first informant Uttam. In these statements similar allegations are repeated against the applicant Meerabai. However, in these statements specific role is assigned to applicant Pintu. It is mentioned in these statements that Pintu also assaulted the injured with a stick. The allegations are supported by medical certificate.

5. Considering the nature of allegations, the incident appears to be serious incident. I am not inclined to exercise discretion in favour of the applicants.

6. Applications are rejected.

(SARANG V. KOTWAL, J.)