

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

ANTICIPATORY BAIL APPLICATION NO.841 OF 2019

Vidya Sopan Bhoite

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr.Aniket Nikam i/b. Vivek N. Arote, Advocate for Applicant.
- Ms.S.S. Kaushik, APP for the State/Respondent.
- PC Mr.P.S. Jadhav, Mhaswad Police Station, Satara, present.

CORAM : SARANG V. KOTWAL, J.

DATE : 11th SEPTEMBER, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.13/19 registered with Mhaswad Police Station, Satara, under sections 307, 323, 504, 506 r/w 34 of the Indian Penal Code.

2. The FIR is lodged by one Santosh Uttam Thengil on 19/01/2019. He has stated in his FIR that on 18/01/2019 at about 02.00 p.m. he was present in his house with his parents

and step-mother Papabai. At that time, the present Applicant, her son Jagdish Bhoite and husband Mahadeo Bhoite came there and told the informant that they should not come to their field. Thereafter these accused went towards the informant and his family followed them. At that time, the Applicant, her husband and son came near them carrying wooden sticks. Jagdish and son of the Applicant assaulted the informant's father Uttam Thengil on his head. The Applicant's husband Mahadeo assaulted the informant's mother Gajarabai on her head. One Jagannath Sopan Bhoite and Mahadeo Bhoite assaulted the informant. Thereafter people from locality separated the quarrel. The injured were removed to hospital and thereafter this FIR was lodged.

3. Investigation in this case is over and charge-sheet is filed against the other accused. The Applicant is apprehending her arrest in connection with this offence.
4. Heard learned Counsel Mr.Aniket Nikam for the Applicant and learned APP Ms.S.S. Kaushik for the State.

5. Learned Counsel Mr.Nikam submitted that the Applicant is a lady and no specific role is attributed to her. Therefore there is no necessity of custodial interrogation of the Applicant.
6. Learned APP relied on the charge-sheet which shows injuries suffered by Uttam Thengil and Gajarabai. Both of them had suffered five and four grievous injuries respectively as is reflected from their medical certificates. The injuries were on head. The informant Santosh Thengil had suffered simple injuries.
7. I have considered these submissions. I have perused the charge-sheet with the assistance of both the learned Counsel. In the FIR the Applicant's presence is mentioned by the informant. It is mentioned that she also came aggressively with a wooden stick. Even then, no specific role is attributed to her. Injuries are attributed to husband and son of the present Applicant.

8. There are statements of other witnesses in the charge-sheet. Those witnesses are Pranesh, Rohit, Kalpana, Nitish Thengil, Anandabai and others. All of them have given similar statements. All these witnesses have stated that they have seen some quarrel going on, on the spot on 18/01/2019 at about 02.00 p.m. They saw that the accused Jagdish Bhoite had assaulted Uttam on his head. Gajarabai was assaulted by accused Mahadeo Bhoite and Santosh was assaulted by Jagannath Bhoite and Mahadeo. All these witnesses have not even stated that the Applicant was present there. Therefore, at this stage, there are sufficient circumstances in favour of the Applicant showing that she was not involved in the offence at all. In this view of the matter, her custodial interrogation is not necessary and she can be protected by an order of anticipatory bail. Hence, the following order :

ORDER

- (i) In the event of her arrest in connection with C.R.No.13/19 registered with Mhaswad Police

Station, Satara, the Applicant is directed to be released on bail on her furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.

- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)