

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

ANTICIPATORY BAIL APPLICATION NO.1698 OF 2019

Jyotsna Sadashiv Sutar

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr. Milind Deshmukh, Advocate for Applicant.
- Ms. S. S. Kaushik, APP for the State/Respondent.
- Mr. R. N. Salunkhe, PSI, Vadgaon Nimbalkar Police Station, Taluka Baramati present.

CORAM : SARANG V. KOTWAL, J.
DATE : 1st AUGUST, 2019

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R. No.324/2019 registered at Vadgaon Nimbalkar Police Station, Pune under section 143, 147, 148, 326, 324, 323, 384, 342, 504, 506 r/w. 149 of IPC.

2. The FIR is lodged on 8/7/2019 by one Rahul Nanaware in respect of the incident dated 7/7/2019. The incident

had taken place at around 1.30 p.m.. He had stated in his FIR that the first informant developed love relationship with sister of the present applicant. The husband of the applicant took exception to this relationship. On the pretext of settling the issue, the applicant's husband called the first informant and his family for meeting at his house on that date. When the informant's family including his mother and others went to the applicant's house, at that time the applicant's husband, her sister and 4 to 5 others were present in the house. Initially, there was some discussion about the relationship between the informant and applicant's sister. It is alleged in the FIR that during the discussion, the applicant's husband started threatening that he would lodge complaint of rape and extortion against the first informant and suddenly the applicant's husband started demanding Rs.5 Lakhs for settling the matter. It is further alleged in the FIR that the applicant's husband and others forcefully took away first informant's family outside the house. The first informant was taken to another room. He was beaten with iron pipe, wooden stick, kicks and fist blows. They also assaulted the family of the first informant. In the incident,

informant's mother suffered fracture to her hand. His uncle Ankush also suffered fracture on face. The informant and his family rescued themselves and the informant was admitted to the hospital. Based on such allegations, the FIR is lodged.

3. Heard Mr. Milind Deshmukh, Ld. Counsel for the Applicant and Ms. Kaushik, Ld. APP for the State.

4. Mr. Deshmukh submitted that in the entire FIR, there are no allegations against the present applicant. She was merely present in the house when the discussion was going on. The girl in question was her sister and therefore, it was not unusual to remain present in her house when the discussion was going on. Apart from that, there are no allegations against her in respect of any role played by her.

5. As against these submission, Ld. APP submitted that the story of the first informant is supported by the medical evidence which shows that the mother of the first informant

suffered fracture to her left forearm and uncle of the first informant suffered fracture to face and the injuries were grievous.

6. I have considered these submissions. From the FIR, it is clear that the applicant had taken no part in the entire incident. The only allegation against her is that she was present in the house. She being sister of the girl for whom the discussion was going on, there is nothing unusual about her presence in the house. The actual incident of assault had taken place in a different room. It is mentioned in the FIR that present applicant was not in any manner instigating or assisting other assailants in assaulting the informant and his family. In this view of the matter, the applicant's involvement is not made out. Therefore, she deserves the protection of anticipatory bail. Hence, the following order.

ORDER

- (i) In the event of her arrest in connection with C.R. No.324/2019 registered at Vadgaon Nimbalkar Police Station, Pune, the applicant is directed to

be released on bail on her executing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in like amount.

- (ii) The application is accordingly disposed of.

(SARANG V. KOTWAL, J.)