

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

ANTICIPATORY BAIL APPLICATION NO. 2260 OF 2019

Parvati Ramdas Kadav	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Kuldeep U. Nikam, Advocate for the Applicant.
Mr. S. H. Yadav, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 17th OCTOBER, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 58 of 2019 registered with Satara Taluka Police Station, Dist. Satara, under sections 143, 147, 148, 307, 326, 324, 323, 504 and 506 r/w. 149 of the Indian Penal Code.

2. The FIR is lodged on 24/02/2019 by one Sindhu Sable. She has stated that, on that day at about 1.30p.m. when she was going towards her agricultural field, she saw that one Ramdas Kadav had driven his car towards informant's son Umesh. Ramdas was accompanied by 5 to 10 others. They pulled Umesh down and started assaulting him. The informant tried to intervene. Ramdas

assaulted the informant on the back side of her head. Thereafter Ajay Kadav, Vinay Kadav, Rahul Shinde and Tushar Sable abused her and assaulted her with stones. She lost her Mangalsutra in the incident. Her husband, brother-in-law and other son Ramesh came there, but they were also assaulted. On this basis, the FIR was lodged. The investigation was carried out and the charge-sheet is also filed against other accused.

3. Heard Shri. Kuldeep Nikam, learned counsel for the applicant and Shri. Yadav, learned APP for the State.

4. Learned counsel for the applicant submitted that the applicant is not named in the FIR. The incident had occurred at the spur of moment. It was 3.00p.m. The informant was trying to intervene when she was assaulted, even though, she has not named the present applicant as being one of the assailants. He further submitted that, there was a cross complaint lodged vide C.R.No.67 of 2019 at the same police station mainly U/s.307 of the IPC, lodged by Ramdas Kadav who was from the applicant's group. He submitted that the applicant is, therefore, falsely implicated. Learned APP relied on the charge-sheet and injury

certificate.

5. I have considered these submissions and I have perused the injury certificate in respect of injuries suffered by the first informant Sindhu. She has suffered only one CLW over her right temporal region of the size 2x1x1cm. This is completely contradictory to her statement before the police, wherein, she has stated that many persons assaulted her with sticks and stones. The applicant's name was not mentioned in the FIR, but her name was introduced in her supplementary statement recorded on 01/03/2019 and even there only a vague reference was made to her statement that the applicant had pelted stones at Sindhu. Considering all these discrepancies and weak nature of evidence, custodial interrogation of the applicant is not necessary. She deserves protection of anticipatory bail.

6. Hence, the following order :

ORDER

- (i) In the event of her arrest in connection with C.R. No. 58 of 2019 registered with Satara Taluka Police Station, Dist. 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.)