

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (ABA) NO.507/2019

Lata w/o Raviprasad Tripathi and ors

..VS..

State of Mah., thr. Police Station Officer, Police Station Old Kamptee,
Kamptee, District Nagpur

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

Shri Masood Shareef, Counsel for Applicants.
Shri V.P.Gangane, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.

DATED : AUGUST 22, 2019.

1. This is an application filed on behalf of applicants for grant of anticipatory bail since applicants are apprehending their arrest in connection with Crime No.232/2019 registered with Old Kamptee Police Station, District Nagpur for offence under Section 307 read with Section 34 of the Indian Penal Code.

2. Heard learned counsel Shri Masood Shareef for applicants and learned Additional Public Prosecutor Shri V.P.Gangane for the State. Also, perused reply filed on behalf of the prosecuting agency and investigation papers.

3. Submission of learned counsel Shri Masood Shareef for applicants, is that applicants are ladies and, therefore, discretion be exercised in their favour. It is also his submission that insofar as applicant No.2-Shanu is concerned, her role is that she caught hold Vjay Raviprasad

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Tripati, the injured, only, and he submitted that today itself this Court has granted regular bail to Satish, in Criminal Application No.760/2019, whose role is identical to applicant No.2.

4. The criminal law was set into motion by Vijay Raviprasad Tripati, the injured, himself. Applicant No.1-Lata, is his mother and applicant No.2-Shanu and applicant No.3-Shweta, are his sisters. Co-accused Satish, who has been granted regular bail today itself by this Court in Criminal Application No.760/2019, is his brother.

5. Statement of Injured Vijay, as per the First Information Report, was recorded at City Hospital, Kamptee, District Nagpur on date of incident itself. The First Information Report shows that as Vijay, the injured, married in year 2008 with Aasma from different religion, he was not having any support from his family except his father Raviprasad Tripathi. Further, the First Information Report shows that when in month of 'Ramzaan,' he, his wife, and children came to house of his father at Futala for residing, his other family members picked up quarrel with him and though his sisters are married, they used to come and pick up quarrel. The First Information Report states that since his father was supporting him, other accused persons used to deny food to his father. According to the First Information Report, since wife Aasma was belonging to Muslim religion, present applicants and co-accused Satish used to pick up quarrel with him. On day of incident i.e. 9.7.2019, when

first informant Vijay along with his family went to Futala at 1:00 O'clock, applicant No.1-Lata picked up quarrel with wife of Vijay and, therefore, Vijay and his wife left the house and reported the matter to Ambazari Police Station, District Nagpur. After lodging of the report, when they came at Kamptee and when Vijay was resting, applicants and co-accused Satish came to his house at Kamptee and called Vijay outside the house and picked up quarrel. In that quarrel, applicant No.3-Shweta assaulted by means of a knife when Vijay was caught hold by applicant No.2-Shanu and co-accused Satish. When applicant No.3-Shweta, was giving a knife blow, applicant No.1-Lata assaulted Vijay by means of hammer.

6. Injury report is available in investigation papers when injured Vijay was given medical treatment. Injuries suffered by him are as under:

“H/o penetrating injury over left lumbar region and over anti aspect of chest;

C/o injury over Head put;

P/A-Injury penetrating over (Lt) lumbar region 5x2 cm over (Lt) lumbar region c depth approx more than 10 cm extending posteriorly into the muscle layer;

R/S-Another penetrating injury over anti aspect of chest (Rt) (1x0.5 cm); and

Scalp-LW (1x0.5 cm) over frontal region.”

7. During course of investigation, Investigating Officer also recorded statement of one Mohd.Shakeel who witnessed the incident of the assault on Vijay, the injured. Though weapons are seized from the spot, investigation is still in progress.

8. Normally, Courts exercise discretion in favour of ladies. However, in the present case only because Vijay, the injured, married with a girl from Muslim religion, it appears that applicants were nurturing grudge in their mind and there was hatred towards him resulting into the incident in question.

9. On the date of incident, initially there was quarrel at Nagpur. Therefore, injured lodged report at Ambazari Police Station. Thereafter, he came to Kamptee and was resting in his house. The applicants who are residents of Nagpur came to Kamptee in the house of injured and assaulted by means of weapons. That shows that the applicants intended to kill the injured and, therefore, they came from Nagpur to Kamptee and were armed with the weapons.

10. Submission of learned counsel Shri Masood Shareef for applicants, that insofar as applicant No.2-Shanu is concerned, in similar circumstances co-accused Satish is released on bail, the said co-accused was arrested and after investigation *qua* Satish was over, then only he was released on regular bail by this Court today.

11. Looking to the nature of injuries suffered by Vijay, the injured, and cause for assault on him, I am of the view that though applicants are ladies, they are not entitled for any discretionary relief from this Court. Hence, their application for grant of anticipatory bail is rejected and disposed of accordingly.

12. At this stage, learned counsel Shri Masood Shareef for applicants, prays that *interim* protection granted by this Court (Coram : Manish Pitale, J.) on 26.7.2019 be continued for a period of one week.

Since there is direct evidence against applicants that they assaulted Vijay, the injured, by holding weapons and only with grace of God he is survived, I see no reason to extend the *interim* protection.

JUDGE

!! BRW !!

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