

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

941 ANTICIPATORY BAIL APPLICATION NO. 788 OF 2020

Ujwala W/o. Kailash Biganiya,
Age. 28 years, Occ. Government Servant,
R/o. New Kawtha, Nanded,
Taluka and District Nanded.

...Applicant.

Versus

The State of Maharashtra.

...Respondent.

Advocate for Applicant : Mr. N.S. Ghanekar.
APP for Respondent : Mr. V.M. Kagne.

CORAM : MANGESH S. PATIL, J.
DATE : 05.11.2020

Per Court :

This is an application under Section 438 of the Code of Criminal Procedure, seeking bail in the event of arrest of the applicant in connection with Crime No. 468/2020 registered with Nanded Rural Police Station, District Nanded, for the offences punishable under Sections 307, 326, 452, 504, 506, 143, 147, 148, 149 of Indian Penal Code and Section 4, 25, 27 of Arms Act.

2. Shortly stated the allegations are to the effect that on 20.06.2020, in the afternoon hours all the accused trespassed into the house of the informant

and assaulted him with weapons like sword. The informant is also stated to have assaulted him with a knife and dagger on the legs. He was shifted to a hospital and the FIR was registered on the next date.

3. Learned Advocate Mr. Ghanekar for the applicant submits that the applicant is being falsely implicated. In fact the counter FIR has been lodged. She is a women and likely to lose job if she is arrested. There is no material to corroborate the version in the FIR attributing her with injury to the legs. He, therefore, prays that she may be granted anticipatory bail.

4. Learned APP opposes the application. He submits that the offence is serious and punishable up to the life imprisonment. The injury certificate clearly shows that the informant has sustained couple of grievous injuries in the form of fracture to the right and left tibia besides few other simple injuries. He submits that some of the accused are still to be arrested. Weapons are to be recovered and no sympathy to be shown merely because of the applicant is a women.

5. I have carefully gone through the papers. It is apparent from the allegations in the FIR which has been lodged promptly that in all probabilities,

it was a predetermined attack. The accused persons were carrying swords, knives and daggers. The injury certificate corroborates the version in the FIR about the informant having sustained fracture to both tibia. The accused No. 1 who happens to be husband of the applicant is still to be arrested. Weapons are to be recovered and custodial interrogation obviously seems imperative.

6. As far as counter FIR is concerned, *ex facie*, it has been lodged belatedly, after about 10 days of the occurrence of the incident.

7. Be that as it may, considering the seriousness of the crime, role attributed to the applicant and the stage of the investigation, she does not deserve to be released on anticipatory bail.

8. The application be rejected.

(MANGESH S. PATIL, J.)