

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.949 OF 2020

Balesh Darpal Dulganj

... Applicant

Versus

The State of Maharashtra

... Respondent

.....
Mr. A. D. Soman, Advocate for applicant.

Mr. S. R. Yadav, APP for respondent – State.

.....
CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 18-12-2020

ORDER :

. Present application has been filed by original accused No.4 for getting anticipatory bail under Section 438 of the Code of Criminal Procedure, as she is apprehending her arrest in connection with Crime No.65 of 2020 registered with Osmanpura Police Station, District Aurangabad, for the offences punishable under Sections 326, 324, 354, 323, 504 read with Section 34 of Indian Penal Code.

2. Heard learned Advocate Mr. A. D. Soman for applicant and learned APP Mr. S. R. Yadav for respondent – State. In order to cut short it can be said that both of them have made submissions in support of their respective contentions.

3. Perusal of the FIR would show that the allegations against the present applicant are that after the accused No.1 allegedly abused and tried to outrage the modesty of the mother of the informant, the present applicant went there. Present applicant is the mother of accused No.1 and she gave a Gupti like weapon to accused No.1 and started abusing. Thereafter, accused Nos.2 and 3, who are the sons of present applicant, caught hold of the informant and accused No.1 gave blows of said Gupti on the stomach and right side of the waist of the informant. Brother of the informant is also assaulted by accused No.1 on his chest. That means, the role of present applicant is stated to be supply of weapon. The fact that has been brought on record through police papers is that the weapon has been seized on the basis of discovery by accused No.1. Therefore, nothing is required to be recovered. Physical custody of the present applicant is not required. The ad-interim protection granted by this Court earlier to the applicant vide order dated 22-10-2020 is required to be confirmed and made absolute. Hence, the following order :-

ORDER

- I) The application stands allowed.
- II) The order passed by learned Additional Sessions Judge, Aurangabad in Bail Application No.1335 of 2020 dated 23-09-2020 is hereby set aside. The said application stands allowed.

III) The ad-interim protection, granted by this Court earlier to the applicant vide order dated 22-10-2020, is hereby confirmed and made absolute. In other words, in the event of arrest of the applicant – Balesh Darpal Dulganj in connection with Crime No.65 of 2020, registered with Osmanpura Police Station, District Aurangabad for the offences punishable under Sections 326, 324, 354, 323, 504 read with Section 34 of Indian Penal Code, she be released on P.R. of Rs.50,000/- (Rupees Fifty Thousand only) with two solvent sureties of Rs.25,000/- (Rupees Twenty Five Thousand only) each.

IV) The applicant shall not tamper with the evidence of the prosecution in any manner and shall cooperate with the investigation.

V) The applicant shall not indulge in any criminal activity.

[SMT. VIBHA KANKANWADI, J.]

scm