

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

902 ANTICIPATORY BAIL APPLICATION NO.991 OF 2020

**1] PRAMILABAI W/O. APPARAVJI JINKALWAD
2] APPARAO S/O KONDIBA JINKLWAD
3] SHUBHAM S/O APPARAO JINKLWAD
VERSUS
THE STATE OF MAHARASHTRA**

**...
Advocate for Applicants : Vibhute Vinod M.
APP for Respondent: Mr.VM.Kagne
...**

**CORAM : MANGESH S. PATIL, J.
DATE : 24/11/2020**

PC. :-

Heard.

2] This is an application under Section 438 of the Cr.PC. seeking bail in anticipation of arrest of the applicants in connection with Crime No.36 of 2020 registered with Manatha Police Station, Dist.Nanded for the offences punishable under Sections 326, 324, 323, 504, 506 read with Section 34 of the I.P.C.

3] In sum and substance the allegations are to the effect that on 1/4/2020 at about 4 p.m. on account of a dispute touching lands and boundaries all the applicants who happens to be a couple and their son, assaulted the informant and his father with weapons like rod, sword and dagger causing serious injuries to both of them on vital parts. The F.I.R. was lodged on 5/4/2020 and

the offence was registered.

4] After hearing both the sides, when this Court expressed its disinclination to grant anticipatory bail to applicant nos.2 and 3 i.e. Apparao Kondiba Jinklwad and Shubham Apparao Jinklwad, their learned advocate on instructions seeks leave to withdraw the application to their extent. Consequently it is only the case of the applicant no.1 Pramilabai which is now required to be considered.

5] The learned advocate for the applicants submits that though the applicant no.1 has been named in the F.I.R., the allegations against her are not specific and precise. The informant and his father both are coming with a version about she and applicant Shubham having assaulted both of them with stones, wooden rod and sword as well as dagger. He therefore submits that the allegations as against the applicant being not certain *vis-a-vis* use of a specific weapon, she being a woman be granted bail. There is no question of she jumping the bail being a woman and the Investigating Officer would have an opportunity to interrogate the other two applicants and recover weapons from them. She is ready to cooperate the Investigating Officer and may be granted anticipatory bail.

6] The learned A.P.P. opposes the application. He submits that it is a matter of prior meeting of the minds. After initial dispute and exchange of words, one of the applicants had gone back and had again came back to the spot with the other two applicants armed with weapons. Both the informant as well as his father have sustained grievous injuries in the nature of fracture to an ulna and fracture of left temporal bone respectively. The injuries have been caused

on vital parts. Weapons are to be recovered. A specific role is attributable to the applicant Pramilabai. Therefore, her custodial interrogation is necessary to complete the investigation.

7] As can be discerned from the allegations from the F.I.R., the role attributable to Pramilabai is not specific and precise. It has been vaguely, in a omnibus manner, alleged that Pramilabai alongwith applicant Shubham assaulted the informant and his father. Same is the case with the statement of the father recorded under Section 161 of the Cr.P.C.

8] The Medico Legal Certificate of the informant and his father reveal that the former has not sustained any injury on the head and had sustained only a fracture to ulna. The latter had sustained couple of injuries on head. Going by the allegations in the F.I.R. as well as the statement of the father of the informant, both these injuries on the head are attributable to applicant Shubham as well. If such is the state of affairs, when the application to the extent of the applicant nos.2 and 3 is being sought to be withdrawn unconditionally, the applicant Pramilabai being a woman and there being no criminal antecedents, deserves to be released on bail subject to usual terms and conditions.

9] The application is partly allowed.

10] In the event of arrest of the applicant no.1 Pramilabai W/o Apparao Jinkalwad in connection with Crime No.36 of 2020 registered with Manatha Police Station, Dist.Nanded for the offences punishable under Sections 326, 324, 323, 504, 506 read with Section 34 of the I.P.C. she shall be released on

bail on her executing personal recognizance for an amount of Rs.25,000/- (Rs.Twenty Five thousand only) and furnishing a solvent surety in the like amount subject to following conditions :

a] She shall attend the concerned Police Station as and when called by the Investigating Officer and shall cooperate him.

b] She shall not tamper the evidence or influence the witnesses.

11] The application to the extent of applicant nos.2 and 3 is dismissed as withdrawn.

[MANGESH S. PATIL, J.]

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