

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1075 OF 2020

1. Sharda w/o Datta Khalse
 2. Sushila w/o Uttam Korde
 3. Sonabai w/o Shambhau Korde
- ... Applicants**

Versus

The State of Maharashtra

... Respondent

.....

Mr. A. V. Lavte h/f Mr. S. J. Salunke, Advocate for applicants.
Mr. S. Y. Mahajan, APP for respondent – State.

.....

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 15-12-2020

ORDER :

1. Present application has been filed by original accused Nos.2 to 4 for getting pre-arrest bail, as they are apprehending their arrest in connection with Crime No.253 of 2020 dated 15-10-2020 registered with Moujpuri Police Station, District Jalna for the offences punishable under Sections 353, 332, 506 read with Section 34 of Indian Penal Code.

2. Heard learned Advocate Mr. A. V. Lavte holding for learned Advocate Mr. S. J. Salunke for applicants and learned APP Mr. S. Y. Mahajan for respondent – State. In order to cut short it can be said that both of them have made submissions in respect of their respective contentions.

3. Perusal of the FIR would show that it has been filed by Police Sub Inspector Sainath Dattatraya Ramod attached to Moujpuri Police Station. He contends that he was the Investigating Officer of Crime Nos.248 of 2020 and 246 of 2020. He was visiting the spot for executing spot panchanama, however, he could not find Krushna Korde, who is the informant in one of the case. He asked the parents of Krushna as to where he is. So also, the parents of Krushna were accused in Crime No.246 of 2020, therefore, he wanted to give them notice under Section 41-A of the Code of Criminal Procedure. They were refusing to take the notice. Informant again went to serve the notice on 15-10-2020, at that time, Krushna's father Uttam refused to come to police station and he gave threat that the police officers shall not visit his house again. Again at about 16.15 hours, he and the police officers went in front of house of Krushna. At that time, his relative Datta Sakharam Khalse was in front of the house and when the informant asked him as to where Krushna and Uttam are, he spoke arrogantly with the police. Datta again told the same thing that they shall not come to their house unnecessarily and by taking mobile phone, he started videography of the dialogues. Informant told that he should not do the videography and asked him to close the mobile, but at that time, his wife Sharda, mother-in-law Sushilabai and grandmother-in-law Sonabai were pushed by Datta on the informant and started saying as to why he is assaulting the ladies. Thereafter, the three ladies i.e. present applicants pushed informant and raised dispute with him.

Thereafter, he was assaulted by Datta and then the report has been lodged. Thus, the role attributed to the present applicants is that they had pushed the informant and raised dispute. It appears that since the main member of their family was raising certain point with the police, they might have thought to support their relative and, therefore, the dispute might have been raised by them. For such act, their liberty need not be curtailed and, therefore, they deserve to be released on bail. Further, this Court by order dated 10-11-2020 had granted ad-interim protection to the present applicants, that deserves 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-3, Jalna in Criminal Miscellaneous Application (Bail) No.1474 of 2020 dated 26-10-2020 is hereby set aside. The said application stands allowed.

- III) The ad-interim protection, granted by this Court earlier to the applicants vide order dated 10-11-2020, is hereby confirmed and made absolute. In other words, in the event of arrest of applicants viz., (i) Sharda w/o Datta Khalse, (ii) Sushila w/o Uttam Korde and (iii) Sonabai Shambhau Korde in connection with Crime No.253 of 2020, registered with Moujpuri Police Station, Dist. Jalna for the offences punishable under Sections 353, 332, 506 read with Section 34 of Indian Penal Code, they be released on P.R. and S.B. of Rs.15,000/- (Rupees Fifteen Thousand only) each.

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

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

[SMT. VIBHA KANKANWADI, J.]

scm