

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.358 OF 2020

Parvati Sadashiv Nagtilak	.. Applicant
<i>Vs.</i>	
State of Maharashtra	.. Respondent

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Mr.Sandeep S. Salunke, Advocate for the Applicant.

Mr.Pandurang Gaikwad, APP for the Respondent – State.

PHC Dhavle P.T., Pandharpur Police Station, Solapur, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : FEBRUARY 11, 2020.

P.C. :

This is an application for anticipatory bail in connection with C.R.No.700 of 2019, registered with Pandharpur Taluka Police Station, Solapur Rural, for the offences punishable under Sections 326, 324, 323, 504 and 506 read with 34 of Indian Penal Code (“IPC”, for short).

2 First Information Report (“FIR”, for short) was lodged on 29th December, 2019. Applicant had preferred an application for anticipatory bail before the Sessions Court, which has been rejected vide order dated 28th January, 2020.

3 The prosecution case is that on 29th December, 2019, complainant and his family were harvesting corn crops. At that time Dnyaneshwar Nagtilak, Manoj alias Madhav Yadav and Chandrasekhar Nagtilak approached the complainant and asked him not to harvest the corn crop. There was sickle in hand of Dyaneshwar and the other person were having sticks in their hand. Complainant was trying to resolve the dispute. However, Dyaneshwar assaulted the complainant on his head by sickle. Manoj and Chandrashekhar had assaulted by sticks. Complainant's wife Bhamabai and daughter Radhika came. However, they were also assaulted by kick blow. Complainant tried to click the photographs. Accused Dyaneshwar took his phone and deleted the photographs. Mother of Dyaneshwar was present there and she was instigating the co-accused to kill them.

4 There is a cross FIR at the instance of applicant vide C.R.No.I-704 of 2019, registered with the same police station for the offences punishable under Sections 323, 324, 325, 504 and 506 read with 34 of IPC. In the said FIR, it was alleged that Hanumant Bhosale, Bhamabai Bhosale, Dadasaheb Yadav and Radhika Bhosale had entered into the field and there was a scuffle. They were assaulted.

5 Accused Dadasaheb Yadav in C.R.No.I-704 of 2019, had preferred anticipatory bail application no.311 of 2020, before this Court, which was allowed by order dated 5th February, 2020. On perusal of FIR, it is apparent that the role attributed to the applicant is of instigation. She had not participated in the assault. She was not armed with any weapon. Learned APP, however, submitted that the applicant had instigated others to kill complainant and others. In the supplementary statement, it is stated that the applicant was armed with weapons like sickle and she had instigated others. However, in the complaint, the applicant has not been attributing any role of having in possession weapons. It is also noted that cross-complaint is registered vide C.R.No.I-704 of 2019. In the light of the aforesaid circumstances, case for grant of anticipatory bail is made out.

6 Hence, I pass the following order:

:: O R D E R ::

- (i) Anticipatory Bail Application No.358 of 2020, is allowed;
- (ii) In the event of arrest of Applicant in connection with C.R.No.700 of 2019, registered with

Pandharpur Taluka Police Station, Solapur Rural, he be released on bail on his executing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;

- (iii) Applicant shall attend the investigating officer on 20th and 21st February, 2020 between 11:00 a.m. to 01:00 p.m., and, thereafter, as and when called for, till filing of the charge - sheet;
- (iv) Anticipatory Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)