

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.491 OF 2020

1. Nana Sitaram Sangale,

2. Rekha Dada Bharane

Applicants

versus

The State of Maharashtra

Respondent

Mr.Kuldeep S. Patil i/by Prashant S. Hagare for applicants.

Mr.S.S.Pednekar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 27th February 2020

PC :

1. The applicants are seeking anticipatory bail in CR No.38 of 2020 registered with Walchandnagar Police Station, Pune Rural, for offences under Sections 326, 323, 324, 337, 504, 506 r/w 34 of Indian Penal Code. The FIR was lodged on 3rd February 2020.

2. The complainant has alleged that the applicants and the co-accused were armed with sticks. They questioned her husband about the incident relating to the daughter of one of the accused. The complainant's husband was assaulted by sticks. Applicant no.1 gave blow of the stick on the wrist of complainant. Others have also assaulted. Applicant no.2 assaulted by throwing stone.

3. The applicants preferred application for anticipatory bail before Sessions Court which has been rejected by order dated 17th February 2020.

4. Learned counsel for applicants submitted that the applicants are falsely implicated in this case. The FIR has been lodged as counter blast to the FIR lodged against Satish who is the husband of complainant in the present FIR. The said FIR was lodged on 2nd February 2020 for offences u/s 354, 504, 506 of IPC and u/s.4,8 and 12 of POCSO Act. The injured had outraged modesty of the daughter of one of the accused who was aged about 12 years. The offence u/s 326 is not attracted in present case.

5. Learned APP submitted that the complainant has attributed specific role to the applicant no.1. He was armed with stick. He assaulted the injured Satish Bharne. He was medically examined. He has sustained injury in the nature of fracture, contusion. One of the injury was grievous in nature. The injury certificate corroborates the version of complainant. The injured was treated in hospital. Since he is apprehending arrest in the FIR registered against him, he is absconding and his statement could not be recorded. The FIR was registered against Satish Bharne on 2nd February 2020, however, it cannot be said that present FIR registered against present applicants is false, as the version of complainant is supported by injury certificate. The injured has sustained injuries. The applicant no.1 has been attributed role of assault. Applicant no.2 is lady. She has allegedly assaulted by throwing stone. The applicant no.1 is not entitled for relief u/s 438 of Cr.P.C, however, applicant no.2 can be granted protection of anticipatory bail.

6. Hence, I pass following order :

ORDER

- (i) In the event of arrest of applicant no.2 Rekha Dada Bharane, in connection with CR No.38 of 2020 registered with Walchand Nagar Police Station, Taluka Indapur, she be released on bail on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (ii) The applicant Rekha Dada Bharane shall attend the Investigating Officer on 5th and 6th March 2020 between 11 am and 1 pm;
- (iii) The application of applicant no.1 Nana Sangle is rejected;
- (iv) Anticipatory Bail Application is disposed of.

(PRAKASH D. NAIK, J.)

MST