

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

**ANTICIPATORY BAIL APPLICATION NO. 72 OF 2021**

1. Anand @ Anant s/o Kalidas Biradar,  
Age : 23 years, Occu. Education/  
Private Service, R/o Aurad Shahajani,  
Tq. Nilanga, District Latur
2. Abhishek s/o Kalidas Biradar,  
Age : 18 years, Occu. Education,  
R/o Aurad Shahajani,  
Tq. Nilanga, District Latur
3. Rahul s/o Subhash Biradar,  
Age : 24 years, Occu. Agri.,  
R/o Tol Dapka,  
Tq. Baswakalyan, Dist. Bidar  
(Karnataka)
4. Radhabai w/o Mohan Biradar,  
Age : 40 years, Occu. Household,  
R/o Hosur, Tq. Nilanga,  
District Latur

**APPLICANTS**

**VERSUS**

The State of Maharashtra,  
through Police Station Officer,  
Aurad Shahajani Police Station,  
Tal. Nilanga, District Latur

**RESPONDENT**

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Mr. Niteen V. Gaware, Advocate for the applicants  
Smt. R.P. Gaur, A.P.P. for the respondent/State

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**CORAM : MANGESH S. PATIL, J.**

**DATE : 05.04.2021**

**PER COURT :**

Heard.

2. This is an application under Section 438 of the Code of Criminal Procedure as the applicants are apprehending their arrest in connection with Crime No.167 of 2020, registered with Aurad Shahajani Police Station, Taluka Nilanga, District Latur for the offences punishable under Sections 307, 326, 323, 143, 147, 148, 149, 504 of the Indian Penal Code.

3. After hearing both the sides, when this Court expresses its disinclination to grant anticipatory bail to applicant Nos.1 to 3 on merits, their learned Advocate, on instructions, seeks leave to withdraw the application to their extent. The application is, therefore, being considered only to the extent of applicant No.4 – Radhabai.

4. The only allegation against applicant No.4 is about she having accosted the vehicle making it to halt, wherein the informant and his other colleagues were travelling. It is being alleged that thereby, she abated the crime wherein the other accused are alleged to have assaulted the informant and one Dnyaneshwar, who tried to intervene the quarrel.

5. Though the offence is stated to be serious and an attempt to murder, going by the allegations against applicant No.4 – Radhabai, in the absence of any overt-act attributable to her, except of making the vehicle to stop by coming across it, coupled with the fact that she is a woman and there are cross-complaints wherein several persons from the group of accused/ applicants have also sustained the injuries, she deserves to be granted

anticipatory bail, more so when the main accused have already been arrested, some weapons have been recovered and the injuries sustained by the informant and Dnyaneshwar are stated to be simple.

6. The application to the extent of applicant No.4 – Radhabai w/o Mohan Biradar is allowed. In the event of her arrest in connection with Crime No. 167 of 2020 registered with Aurad Shahajani Police Station, Taluka Nilanga, District Latur for the offences punishable under Sections 307, 326, 323, 143, 147, 148, 149, 504 of the Indian Penal Code, she shall be released on bail on her executing personal recognizance for an amount of Rs.25,000/- (Rupees Twenty Five Thousand) 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.

7. The application to the extent of applicant Nos.1 to 3 is dismissed as withdrawn.

**[MANGESH S. PATIL]**  
**JUDGE**

