

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

ANTICIPATORY BAIL APPLICATION NO.293 OF 2021

KEWALABAI W/O. RUSTUM JUMBADE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Nikhil D. Jaiswal
APP for Respondents: Mr. V.S. Badakh
...

CORAM : MANGESH S. PATIL, J.

DATE : 29.06.2021

PER COURT :

The applicant who is one of the accused from Crime No.22/2021 registered with Aundha Nagnath Police Station, District Hingoli for the offence punishable under sections 326, 341, 143, 147, 148, 149, 323, 504 and 506 of the Indian Penal Code, is seeking bail in the event of her arrest.

2. Shortly stated the allegations in the FIR are to the effect that on 12.01.2021 in the afternoon hours the accused persons obstructed the informant and his father while they were taking their bullock cart through their land. The dispute had resulted in some quarrel in which one of the accused had slapped the informant.

3. It is then alleged that in the evening the informant along with his parents and aunt went to the house of the accused persons questioning them about the incident that had taken place in the afternoon. It is alleged

that being annoyed by such questioning accused Parmeshwar slapped informant's aunt whereas co-accused Santosh gave a blow of iron rod on the head of the informant's father who sustained grievous injuries. The role attributed to the applicant is to the effect that while the informant was trying to lift his injured father the applicant and her husband pushed him and told him to let his father die.

4. I have heard the learned advocate for the applicant as also the learned APP and perused the papers of the investigation.

5. At the out set, it is necessary to note that the allegations in the FIR do not attribute any act of assault to the applicant. It is being alleged that she only prevented the informant from rescuing his father and said that he should let his father die.

6. Interestingly, the allegations as against the applicant and her husband who is also a co-accused are exactly the same. The learned Additional Sessions Judge by the order dated 12.02.2021 has granted regular bail to the husband. However, while refusing anticipatory bail to the applicant by the subsequent order dated 23.02.2021, the learned Additional Sessions Judge does not seem to have made any endeavour to decipher and distinguish the role being attributed to the applicant and the one attributed to her husband.

7. Apart from the above state of affairs, when the incident has taken place without any premeditation, when the informant along with his parents had gone to the house of the accused persons and thereafter the

incident had taken place, coupled with the minor role attributed to the applicant who happens to be a lady aged more than 60 years, in my considered view she deserves to be granted anticipatory bail.

8. The application is allowed. The ad-interim relief granted by the order dated 19.03.2021 stands confirmed with the same terms and conditions.

(MANGESH S. PATIL, J.)

habeeb