

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.415 OF 2021

KALINDA BHAGWAN SHINDE

...APPLICANT

VERSUS

THE STATE OF MAHARASHTRA

...RESPONDENT

...

Advocates for the Applicant : Mr. Vishal S. Kakade and
Mr. Aakash V. Bagal

APP for the Respondent – State : Mr. S. B. Narwade

...

CORAM : V. G. BISHT, J.

DATE : 8th SEPTEMBER, 2021

PER COURT :-

1. This is an application under section 438 of the Code of Criminal Procedure, 1973 preferred by the applicant seeking grant of pre-arrest bail in connection with Crime No.0049/2021, registered with Badnapur Police Station, District Jalna for the offences punishable under Sections 143, 147, 148, 149, 326, 324, 323 and 506 of the Indian Penal Code, 1860.

2. It is the case of prosecution that on 03.03.2021 one Bhausaheb Bhagwan Kolhe informed informant that accused Bhagwan Shinde alongwith 20-25 persons had gone to his field

and got unloaded stover from the tractor and requested him to reach there immediately. The informant alongwith family members rushed to the field. Bhausahab Kolhe was there. And the informant again started loading stover in that tractor. The prosecution alleges that accused Bhagwan Shinde, his wife Kalinda (applicant), his two sons, namely, Laxman and Yogesh and others came on the motor-cycle and the other 20-25 persons, who were hiding there also came near the tractor. Applicant and her daughter-in-law lied on near the wheel of tractor and then accused Bhagwan Shinde assaulted the brother of informant by means of an axe. The informant was beaten by fist and kick blows. Others had also assaulted informant's brother Anantrao. First Information Report accordingly came to be lodged.

3. Mr. Vishal S. Kakade, learned counsel for the applicant, submits that the allegation against the present applicant is only to the extent that she had lied down near the wheels of tractor. It is nowhere alleged that the applicant in any manner took part in the assault on the prosecution witnesses. In such circumstances, she deserves to be protected.

4. Mr. S. B. Narwade, learned APP for the Respondent - State, on the other hand, fairly conceded the role of the

applicant and submitted that necessary order be passed.

5. A careful reading of the F.I.R. would show that the present application did not in any manner indulge in assault or used any weapon in the alleged offences. The role of the present applicant is very limited and she alongwith her daughter-in-law had lied down near the wheels of the tractor of the informant. No overt act is attributed on her part. This being so, I do not find the necessity of her custodial interrogation.

6. In view of above, I hold that the application deserves consideration. Hence, the following order :-

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest of the applicant – Kalinda Bhagwan Shinde herein in connection with Crime No.0049/2021, registered with Badnapur Police Station, District Jalna for the offences punishable under Sections 143, 147, 148, 149, 326, 324, 323 and 506 of the Indian Penal Code, 1860, the applicant is directed to be enlarged on bail on her furnishing P.R. Bond of Rs.20,000/- (Rupees Twenty Thousand only), with one or two sureties in the like amount.
- (iii) Application is accordingly disposed off.

**(V. G. BISHT)
JUDGE**