

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

**ANTICIPATORY BAIL APPLICATION NO. 573 OF 2021**

- 1) Bhimashankar s/o Gurunathappa Bavage,  
Age 60 years, Occ. Agril. & Social Worker.
- 2) Vetaleshwar s/o Bhimashankar Bavage,  
Age 33 years, Occ. Service.
- 3) Nandkishor s/o Bhimashankar Bavage,  
Age 29 years, Occ. Service.
- 4) Jaydevi w/o Bhimashankar Bavage,  
Age 55 years, Occupation Household.

All R/o. Hasegaon, Tq. Ausa, Dist.  
Latur.

... **Applicants.**

VERSUS.

The State of Maharashtra.

... **Respondent.**

...

Advocate for the Applicants : Mr. T.M. Vgenjane.

APP for the Respondent/State : Mr. V. M. kagne.

Advocate for Assist to APP : Mr. R.D.Biradar.

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

**DATE : 29.06.2021.**

**PER COURT :**

Apprehending arrest in connection with Crime No. 138/2021, registered with Ausa Police Station, District Latur, for the offences punishable under Section 307, 365, 341 read with Section 34 of the Indian Penal Code, the applicants are seeking bail under Section 438 of the Code of Criminal Procedure.

2. The allegations in the F.I.R. are to the effect that the informant has

been managing the affairs of an Orphanage. The applicants have been persistently harassing him and even the inmates of the Orphanage. It is alleged that on 11.05.2021 at about 10 a.m. when he along with his staff were proceeding in the ambulance for fetching grocery of the orphanage the applicants who were travelling in a vehicle accosted their vehicle by intercepting it. The applicants No. 1 to 3 are stated to have thereafter assaulted the informant and one of his staff members Prakash who tried to rescue him. Even there was an attempt to set the informant on fire by pouring diesel. The matter was reported to police. The informant and Prakash were sent for medical examination. The offence was registered and the applicants are now seeking bail.

3. I have heard the learned advocate for the applicants, the learned A.P.P. duly instructed by the learned advocate for the original informant.

4. After hearing both the sides when this Court expressed its disinclination to grant anticipatory bail to the applicants No 1 to 3, their learned advocate, on instructions, seeks leave to withdraw the application to their extent.

5. So far as the applicant No. 4 is concerned, it does appear that she was present at the scene of the crime at the material time in as much as even according to the applicants it was the informant and his associates who were the aggressors and had assaulted them and that in the process even she had sustained injuries. The applicants themselves have produced her injury certificate as also the injury certificate of the other two applicants wherein it has been mentioned that they had sustained injuries around the same date, time and place. True it is that the applicants have been making a grievance that it is the informant and his associates who were the aggressors and had carried out the assault, as of now their grievance has not been registered as a counter F.I.R. and no offence consequently has been registered.

6. However the fact remains that the applicant No. 4 did sustain an

injury in the incident and was present there.

7. However, going by the allegations in the F.I.R. no specific allegations are levelled against her about having herself assaulted anybody. The allegations against her are regarding exhortation. Being a woman, she is unlikely to jump the bail and considering the nature of the allegations her custodial interrogation does not seem to be imperative.

8. The Application is partly allowed. In the event of arrest of the applicant No. 4 Jaydevi w/o Bhimashankar Bavage, in connection with Crime No. 138/2021, registered with AUSA Police Station, District Latur, for the offences punishable under Section 307, 365, 341 read with Section 34 of the Indian Penal Code, she shall be released on bail on her executing personal recognizance for an amount of Rs. 25,000/- 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.

9. The Application to the extent of applicants No. 1 to 3 is dismissed as withdraw.

**(MANGESH S. PATIL, J.)**

mkd/-