

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

ANTICIPATORY BAIL APPLICATION NO. 915 OF 2021

Rachana Shivaji Mahale ... **Applicant**
Age 51 years, Occu: Agri.
R/o Bolaki Tq. Kopargaon,
District Ahmednagar

VERSUS

The State of Maharashtra, ... **Respondent**
Through : P.I. Kopargaon Rural Police
Station, Tq. Kopargaon Dist. Ahmednagar

Mr. Shivraj B. Kadu, Advocate for the applicant,
Mr. N. T. Bhagat, A.P.P. for the State.

CORAM : V. G. BISHT, J.
DATE : 7th September, 2021

ORDER:

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. 217/2021 registered with Kopargaon Rural Police Station, Tq. Kopargaon Dist. Ahmednagar for the offences punishable under Sections 326, 324, 323, 143, 147, 148, 149, 504, 506 of the Indian Penal Code, 1860.

2. It is the case of prosecution that on 13.06.2021 while the informant, his wife and son were working in his field Gat No.15 at about 4.00 p.m, the accused namely Rachana Shivaji Mahale, Shivaji Pandharinath Mahale, Ramdas Pandharinath Mahale, Ranjana Ramdas

Mahale, Shivaji Pandhari and other accused came and told the informant and his family members that they should not come in the field as the field belongs to them. It is alleged that all of them beat the informant and his family members by means of bamboo and iron rod. It is specifically alleged that the present applicant gave a blow of iron rod on the left hand and wrist of the informant. The informant later on lodged the report.

3. Mr. Shivraj B. Kadu, learned counsel for applicant, submits that civil suit bearing RCS No. 73/2013 between the informant, applicant and others was decreed in favour of the applicant's family. According to the learned counsel, there is delay of 24 hours in lodging the first information report which is not explained. Moreover, the applicant being a woman and having twin daughters of 17 months old is required to be with her daughters and therefore there being no necessity of custodial interrogation, the present application deserves to be allowed.

4. Mr. N. T. Bhagat, learned A.P.P., on the other hand, opposed the submissions by contending that the present applicant and others assaulted the informant and his family members and thus caused various injuries on their respective persons. Learned counsel invited my attention to the injury certificates filed on record and as also the statements of various eye witnesses. Since the investigation is in progress, the application may be rejected ought rightly, argued learned A.P.P.

5. I have carefully gone through the first information report and the statements of witnesses produced before me for perusal. Allegation against the present applicant is that she had assaulted the informant on his left forearm by means of an iron rod. There is injury certificate showing that the informant had sustained segmental fracture on ulna by means of hard and blunt object and the nature of injury was grievous. Except this, there is nothing.

6. Having regard to the fact that the applicant is woman having two daughters of 17 months old, her presence is necessary with her daughters. Apart from this, there is no necessity of custodial interrogation. In such circumstance, I am inclined to allow the application with certain conditions;

7. Hence, following order.

O R D E R

- i. In the event of arrest of the applicant in connection with Crime No. 217/2021 registered with Kopargaon Rural Police Station, Tq. Kopargaon Dist. Ahmednagar for the offences punishable under Sections 326, 324, 323, 143, 147, 148, 149, 504, 506 of the Indian Penal Code, 1860, the applicant is directed to be enlarged on bail on his furnishing P.R. Bond of Rs.20,000/- [Rs. Twenty thousand only], with one or two solvent sureties in the like amount.

- ii. The applicant shall attend concerned police station as and when called and shall cooperate with the police in the investigation.
 - iii. The applicant shall not tamper with prosecution evidence in any manner.
8. Application stands disposed of in the aforesaid terms.

(V. G. BISHT, J.)

JPC