

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

16 ANTICIPATORY BAIL APPLICATION NO.1033 OF 2020

1] SITABAI W/O. RAMKISHAN MURKUTE

2] MUKTABAI W/O VASUDEO MURKUTE

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicants : Kawade Shrikant G.

APP for Respondent State: Smt.R.P.Gaur

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CORAM : MANGESH S. PATIL, J.

DATE : 18.01.2021

PC. :-

The applicants are two of the four accused from Crime No.141/2020 registered with Pimpaldari Police Station, Tq. Gangakhed, Dist.Parbhani for the offences punishable under Sections 307, 324, 323, 504, 506 read with Section 34 of the I.P.C. seeking bail under Section 438 of the Cr.P.C. in the event of their arrest.

2] The F.I.R. has been lodged by a lady who happens to be the sister-in-law of the present applicants. It appears that there was a bathroom constructed in her house. The applicants were insisting for allowing them to use the bathroom and there used to be quarrel between the two sides. It is alleged that brother of the applicant Sitabai had also threatened her of dire consequences if she would not permit the applicants to use the bathroom. It is alleged that on 21/9/2020 in the morning hours the applicant alongwith the other 2 accused who happen to be the husband of applicant Muktabai and

brother of applicant Sitabai entered into house of the informant, abused and assaulted her. It is alleged that Dnyaneshwar was carrying an axe and gave a blow of its blunt portion on the abdomen of the informant, as a result she sustained injury to the abdominal region and even there was P.V. blood. It is then alleged that Changdeo and applicant Muktabai assaulted her and Sitabai assaulted her two minor children.

3] The learned advocate for the applicants submits that the F.I.R. is a figment of imagination. It has been filed belatedly as an after thought. In fact the informant and her family members were aggressors and had assaulted applicant Sitabai on the date and at the time which is exactly the same as reported in the present F.I.R. Sitabai had lodged F.I.R. promptly on the very same day but the present F.I.R. has been lodged after 3 days.

4] The learned advocate would submit that the main allegation about use of an axe is against the accused Dnyaneshwar who has already been arrested and released on bail. The applicants are women. There is nothing to be discovered. Nothing is to be recovered from them as well. There are no criminal antecedents. They have been granted ad-interim anticipatory bail which may be confirmed with the same terms and conditions.

5] The learned A.P.P. opposes the application. She submits that though there is a delay in lodging the F.I.R. there are couple of independent witnesses whose names appear in the F.I.R. They have specifically corroborated the informant's version. There is an injury certificate showing that the informant has sustained a blunt trauma on the abdominal region. Since there are statements of the minor children of the informant which further corroborate

her version, the investigation being in progress the application may be rejected.

6] Without intending to comment upon the veracity or otherwise of the contents of the F.I.R. it is suffice to bear in mind the fact that there is a counter F.I.R. The F.I.R. lodged by the applicant Sitabai is first in point of time whereas the present F.I.R. which refers to an incident of the same date and time as is mentioned in the F.I.R. of applicant Sitabai of the present incident as well. However, it has been lodged belatedly, after 3 days. There is no plausible explanation coming forth in the F.I.R. which could form the basis for not approaching the police promptly.

7] True it is that there are couple of witnesses but they seem to have arrived at the scene after the incident had taken place and only narrated the version of the informant.

8] Considering all the aforementioned facts and circumstances, the applicants being women and when there are no allegations about they having misused the liberty granted to them, the application deserves to be allowed.

9] The application is allowed. The ad-interim anticipatory bail granted by order dated 6/11/2020 stands confirmed with the same terms and conditions.

[MANGESH S. PATIL, J.]