

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

28 ANTICIPATORY BAIL APPLICATION NO.1054 OF 2021

- 1) Sow Kushawarta Balasaheb Jadhavar,
Age 28 years, Occ. Household & Agril.,
R/o. Tadgaon, Tq. Kallam, Dist.Osmanabad
- 2) Mahesh s/o Motiram Chate,
Age 29 years, Occ. Agril.,
R/o. Tadgaon, Tq. Kallam, Dist.Osmanabad
- ...Applicants.

VERSUS

The State of Maharashtra

...Respondent

...

Mr. R.K.Jadhavar, Advocate for the applicants
Mr. V.S.Badakh, APP for the respondent-State

...

CORAM : PRAKASH D. NAIK, J.
DATE : 4th OCTOBER, 2021

PER COURT :

1] This is an application for anticipatory bail in CR No.0143/2021 registered with Shirdhon Police Station, Dist.Osmanabad for the offences punishable under Sections 307, 325, 324, 323, 504, 506, 143, 147, 148 and 149 of Indian Penal Code (In short, 'IPC').

2] The first information report was registered on 23rd June, 2021 by Sheetal Govind Jadhvar. It is alleged that the complainant and others were assaulted by the accused. The applicant No.2 was driving tractor. He tried to drive tractor on the person of the complainant. The applicant

No.1 had allegedly snatched cell phone of the witness and also pulled a child from the person of the husband of the complainant. The child fell on the ground. Learned counsel for the applicants submitted that no injury is sustained by the child. There is enmity between the applicants and the accused. The complainant did not sustain any serious injury. She was hospitalized and discharged from the hospital after couple of days. No specific overt act is attributed to the applicant.

3] Learned APP submits that specific overt act has been attributed to the accused. The applicant No.2 has active participation in the offence. He drove the tractor on the person of the complainant. He is also involved in the assault by an axe.

4] From the tenure of the FIR, it is apparent that serious role is attributed to the applicant No.2. The offence is registered under Section 307 and other offences of IPC. The applicant No.1 is a lady and considering the overt act attributed to her, she need not be subjected to custodial interrogation. However, in the light of role attributed by the applicant No.2, relief under Section 438 of Cr.P.C. cannot be granted. When this Court is not inclined to grant relief for the applicant No.2, learned counsel for the applicant No.2, on instructions, seeks leave to withdraw the application against him only. Hence, I pass following order:

ORDER

- (i) Anticipatory Bail Application No.1054 of 2021 is partly allowed.
- (ii) The Application is disposed of as withdrawn in respect of the applicant No.2.
- (iii) In the event of arrest of applicant No.1 in CR No.0143 of 2021 registered with Shirdhon Police Station, Dist.Osmanabad, the applicant No.1 be released on bail on her executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount.
- (iv) The Application stands disposed of.

(PRAKASH D. NAIK, J.)

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