

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

13 ANTICIPATORY BAIL APPLICATION NO. 1135 OF 2020

**SARLABAI DAULATSING GIRASE
VERSUS
THE STATE OF MAHARASHTRA**

Advocate for Applicants : Mr. A.B. Girase.
AGP for Respondent : Ms. R.P. Gour.

**CORAM : MANGESH S. PATIL, J.
DATED : 11.01.2021**

PER COURT :

This is an application under Section 438 of the Code of Criminal Procedure.

2. The applicant is a woman aged around 55 years apprehending her arrest in connection with Crime No. 141/2020 registered with Dondaicha Police Station, Tq. Shindhkheda, Dist. Dhule, for the offences punishable under Sections 302, 324, 114, 294, 506 read with under Section 34 of Indian Penal Code.

3. In short, the allegations are to the effect that words were exchanged between couple of boys. The relations were drawn to the spot. The deceased who happens to be the father of one of them was assaulted by the relatives of the other boy. He sustained head injury

and succumbed.

4. The learned Advocate for the applicant submits that accepting the allegations at their face value, there was no motive. The trifle quarrel and exchange of words had escalated the issue resulting in the death. Allegations against the applicant are only regarding utterances using foul language and exhortation. The rest of the accused have already been arrested. Investigation is also completed and even the charge sheet has been filed. The weapon i.e. the wooden log has been seized. There are no allegations about the applicant having used any weapon or instrument. Nothing is to be recovered from her or discovered by her.

5. The learned Advocate further points out pursuant to the ad interim bail granted to the applicant she has attended the concerned police station and has been released on bail. She is ready to abide by any condition that may be imposed. It is one off an incident. Though it has resulted in causing death, no motive is attributable to the applicant of causing death. There are no criminal antecedents and the ad interim relief may be confirmed.

6. Learned APP strongly opposes the application. She submits

that the offence is serious and punishable up to death or life imprisonment. A person has died. There is sufficient evidence to reveal complicity of the applicant in instigating the other accused. Such instigation has resulted in causing death. There is no dispute as to the identity. The investigating Officer is entitled to have an opportunity to interrogate her and the application may be rejected.

7. I have carefully gone through the papers. Admittedly, the other accused have been arrested, the investigation has been completed and the charge sheet has been filed.

8. The applicant was also granted ad interim anticipatory bail putting her to some conditions. There are no allegations about she having committed breach of any of these conditions. She has attended the police station and was released on bail. There are no allegations about she having failed to cooperate the Investigating Officer.

9. Apart from the above state of affairs, accepting the prosecution's case as it is, there was no motive. The trifle incident seems to have escalated. The allegations against the applicant are about using foul language and of exhortation. The deceased has died

of one head injury attributable some other accused and even the weapon used i.e. wooden log has been recovered.

10. In these circumstances, the application deserves to be allowed.

11. The application is allowed. The ad interim relief granted by the order dated 08.12.2020 stands confirmed with the same terms and conditions.

(MANGESH S. PATIL, J.)

S.P.C.