

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

ANTICIPATORY BAIL APPLICATION NO. 1140 OF 2021

1. SANJUBAI BHARAT JADHAV
2. RESHMA AMOL JADHAV
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicants : Mr. S.J. Salunke.
APP for Respondent : Mr. S.B. Narwade.

CORAM : PRAKASH D. NAIK, J.
DATE : 07.10.2021.

Per Court :

1. This is an application for anticipatory bail in Crime No. 146/2021, registered with Peth Beed Police Station for the offences punishable under Sections 307, 326, 324, 452, 354, 327, 143, 147, 148, 149, 504, 506 of the Indian Penal Code and Section 4 and 27 of the Arms Act.

2. The first information report was lodged by Motilal Ramchandra Gaikwad. According to him, he was planning to sell his house. The accused were insisting that the complainant should sell his house to them for Rs. 6,00,000/-. The complainant was not willing to sell the house to them for low consideration. He has already decided to sell the house for Rs.

9,00,000/- to his nephew Santosh Jadhav. On 01.08.2021, accused Parasram Jadhav, Amol Jadhav, Nilesh Jadhav, Ram Jadhav, Sanjubai Jadhav (applicant No. 1) and Reshma Jadhav (applicant No. 2) visited the house of complainant. He was threatened that in the event he does not sell his house to them they will kill him and his son. Parasram Jadhav insisted that complainant should sell his house to his cousin Amol. Parasram assaulted Arun Gaikwad by sword on his head. Ram Jadhav, Nilesh Jadhav, Amol Jadhav started assaulting to complainant's son. The accused assaulted complainant and his son. They outraged modesty of his wife and daughter. Parasram Jadhav, Amol Jadhav, Nilesh Jadhav, Ram Jadhav and applicants assaulted complainant's wife by iron rod and took away gold ornaments. They also threatened the complainant not to lodge the complaint.

3. FIR has been registered at the instance of the applicants vide crime No. 147/2021 at the same police station under Sections 323, 324, 427, 504, 506, 34 of the IPC.

4. Learned Advocate for the applicants submitted that the allegations against the ladies are of general nature. They were

not armed with weapon. They do not have any criminal antecedents. Co-accused Amol, Parasram, Ram and Nilesh had been arrested and amongst them Ram and Nilesh were granted bail.

5. Learned APP submitted that specific role has been attributed to both the applicants. They have participated in the offence. They have assaulted the wife of the complainant with iron rod and she has sustained injuries in the nature CLW and contusion. One of them is a grievous injury. Hence, the application may be rejected.

6. From the documents, it appears that both the sides have lodged the complaint against each other. The complainant has stated that the co-accused and the applicants had visited his house. Apparently, when the applicants visited his house they were not armed with any iron rod. There is general allegations in the statement of the complainant that co-accused and the applicants had assaulted the wife of the complainant with iron rod. The statement of the daughter of the complainant, however recorded subsequently wherein she has stated that the applicants took the iron rod from the hand of the co-accused

and then assaulted the wife of the complainant. The version of this witness is exaggerated. The applicants are ladies. Considering facts of this case, they not need be subjected to custodial interrogation.

ORDER

- i. Anticipatory Bail Application No. 1140 of 2021 is allowed.
- ii. In the event of arrest of the applicants in Crime No. 146/2021, registered with Peth Beed Police Station, they shall be released on bail on executing P.R. bond in the sum of Rs. 20,000/- (Rupees twenty thousand) with one or more sureties in the like amount.
- iii. The applicants shall report the Investigation Officer on 20.10.2021 and 21.10.2021 between 11:00 am and 01:00 pm, and thereafter, as and when called for till filing of the charge-sheet.
- iv. Application stands disposed of.

(PRAKASH D. NAIK, J.)