

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 133 OF 2021

1. Umabai Rajaram Kachare
2. Sadhana @ Laxmi Vishnu Kachare
3. Savita Mohan Kachare Applicants

Versus

The State of Maharashtra Respondent

Ms. Vilasini Balasubramanian a/w. Jaydeep Mane for Applicants.
Smt. A. A. Takalkar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 05th FEBRUARY, 2021

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No. 78 of 2020 registered with Karkamb Police Station, Solapur, on 15/03/2020, under sections 307, 324, 323, 143, 147, 148 and 504 r/w. 149 of the Indian Penal Code (for short 'IPC').

2. The First Information Report (for short 'F.I.R.') is

lodged by one Vishnu Jamdade. He has stated that, he had a dispute regarding land and the pipeline with Shrimant Kachare and Sadashiv Kachare. On 14/03/2020, at about 9:30p.m. the group belonging to Shrimant and Sadashiv came there. It is alleged that, accused Prashant was having axe, Vishnu was having iron pipe, Rajaram, Mohan and Shrimant were having sticks in their hands. They were accompanied by these three applicants. They started assaulting the informant's group. Prashant gave a blow with axe on Pralhad's head. Vishnu gave a blow with an iron pipe on the informant's hand. Rajaram, Mohan and Shrimant assaulted the informant's group with sticks. Applicant Umabai and Laxmi @ Sadhana started giving kicks and fist blows. There is no mention of applicant Savita having committed any overt-act in the F.I.R. After the assault, the injured were removed for medical treatment and then this F.I.R. was lodged.

3. Heard Ms. Vilasini Balasubramanian, learned counsel for the applicants and Smt. Takalkar, learned APP for the State.

4. Learned counsel for the applicants submitted that, in the F.I.R. no role is attributed to the applicant Savita. Even for other applicants, only allegations are that they had accompanied other accused but they were not carrying weapons and there are general allegations that they had assaulted with kicks and fist blows. She submitted that the applicants' custodial interrogation is not necessary. She further submitted that, one of the applicants Savita had suffered dislocation of tooth which was a grievous injury in the incident. She submitted that a cross F.I.R. was lodged vide C.R.No.77 of 2020 at the same police station under section 307 and other offences of IPC. She submitted that, therefore, informant's story is not true.

5. Learned APP relied on the injury certificates regarding injuries suffered by the informant's group. Vishnu Jamdade had suffered fracture of his wrist. Savita had suffered two simple injuries, Deepali had suffered one simple injury, Chandrakant had suffered one grievous injury on his wrist and other simple injuries. Pralhad had suffered two grievous injuries on his head. Thus,

informant's story is not entirely false. Three of the injured from the informant's group have suffered grievous injuries.

6. I have considered these submissions. It is true that three injured from the informant's group have suffered grievous injuries, but those injuries are attributed to other accused and not to the present applicants. The applicants are ladies, though they had accompanied other male members on the spot. After the incident had taken place one of the applicants had suffered dislocation of tooth which was described as a grievous injury. Therefore, there is some substance in the submission of learned counsel for the applicants that the narration in the F.I.R. may not be entirely true and would be exaggerated. In this backdrop, if the F.I.R. is read, it can be seen that, hardly any role is attributed to the present applicants. All the applicants are ladies and, therefore, their custodial interrogation, strictly in this particular case, is not necessary. They can be protected by an order of anticipatory bail. The incident had occurred in March, 2020, therefore, after about a year their custodial interrogation is not likely to yield anything

further.

7. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No. 78 of 2020 registered with Karkamb Police Station, Solapur, the applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand each Only) with one or two sureties each in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)