

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

CRIMINAL BAIL APPLICATION NO. 465 OF 2021

Shantabai Kashinath Dhaigude

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Prashant S. Hagare for Applicant.

Smt. A. A. Takalkar, APP for State/Respondent.

Mr. S. B. Veer, P.N.-9, Khandala Police Station, Satara, present.

CORAM : SARANG V. KOTWAL, J.

DATE : 12th FEBRUARY, 2021

P.C. :

1. The Applicant is seeking her release on bail in connection with C.R.No.147 of 2020 registered at Khandala police station, Dist. Satara, on 01/12/2020, under sections 302, 324, 323, 504 and 506 r/w. 34 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Prashant Hagare, learned counsel for the applicant and Smt. Takalkar, learned APP for the State.

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

lodged by one Vilas Bandal. He has stated that, his son Ravindra was an accused in a case involving murder of one Ankush. Ravindra was acquitted from that case and since then Kashinath, who was Ankush's father, and his family were holding grudge against Ravindra. On 01/12/2020, at around 10:00a.m. the informant heard some noise. He went to the spot near a shop of Santosh Jagtap. He saw that Kashinath's son Hemant was assaulting Ravindra with an iron weapon and Kashinath was assaulting Ravindra with sickle. Ravindra fell down. Even the first informant was given blow by Kashinath. There are allegations that, at that point the applicant who was Kashinath's wife abused the informant and gave kicks and fist blows. The others from the locality came there and thereafter the applicant and other accused left that place. The injured Ravindra was removed to the hospital but there he was declared dead. On this basis, the F.I.R. was lodged.

4. Learned counsel for the applicant submitted that the applicant is an aged lady and there are no serious allegations against her. At the highest, allegations are that, she assaulted the

first informant with kicks and fist blows. He submitted that, she was unfortunate mother of Ankush and because of previous enmity her name is falsely implicated.

5. Learned APP opposed this application and relied on the investigation papers. She submitted that, apart from the first informant there are eye witnesses namely Lata, Usha and Santosh. They have more or less told the same story. Statements of these eye witnesses show that they had reached the spot when Ravindra had already fallen on the ground in injured condition. Santosh has stated that Shantabai was telling others not to intervene, beyond that he has not alleged any role against her. Usha has stated that the applicant tried to prevent her from going forward and she threatened her. Lata has stated that the applicant was beating the first informant. Thus, there is slight variation in their versions.

6. I have considered these submissions. Taking into account the statements of all the eye witnesses, no eye witness has stated that the applicant had given any blow or even tried to assault deceased Ravindra. The allegations against her are not serious and there is no consistency in the allegations made against

her. The applicant is lady and she is in custody since 01/12/2020. Therefore, her further custody for investigation purposes is not necessary. There are no criminal antecedents against her. Considering the lesser role played by her, it is difficult to observe that she had shared common intention with the main accused Hemant i.e. her son. Therefore, I am inclined to grant her bail. All these observations are made only for the purpose of this bail application. The trial court shall not be influenced by any of these observations during the trial.

7. Hence, the following order :

ORDER

- (i) In connection with C.R.No.147 of 2020 registered at Khandala police station, Dist. Satara, the applicant is directed to be released on bail on her furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)