

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

**CRIMINAL APPLICATION NO. 61 OF 2018**

Sitabai Raghunath Kende

... Applicant

Versus

The State of Maharashtra & Ors.

... Respondents

.....

Ms. Janaki Ravi i/by Hulyalkar And Associates, Advocate for the Applicant.

Ms. Veera Shinde, APP for the Respondent – State.

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**CORAM : PRAKASH D. NAIK, J.**

**DATE : 23<sup>rd</sup> JULY, 2021**

**PER COURT:**

1. This is an application for cancellation of bail granted by the learned Additional Sessions Judge, Pune, vide order dated 3<sup>rd</sup> January, 2018.

2. The respondent Nos. 2, 3 & 4 were arrested in Crime No.178 of 2017 for offences under Sections 307, 324, 504, 506 r/w Section 34 of Indian Penal Code (for short “IPC”).

3. The prosecution case is that respondent No.4 had been to the house of his cousin. The complainant asked him about share in the consideration of sale of land. The complainant was assaulted. She was abused. Respondent No.3 assaulted the complainant with

stick. Respondent No.2 tried to strangle the complainant.

4. The respondent Nos.2, 3 & 4 were arrested on 27<sup>th</sup> November, 2017. They were remanded to custody. Learned Additional Sessions Judge by order dated 3<sup>rd</sup> January, 2018 granted bail. Learned counsel for the applicant submitted that the offence is of serious nature. The respondent Nos. 2, 3 & 4 are relative of the complainant. Applicant/complainant is 70 years old lady. She was assaulted. The accused tried to strangle her. She was demanding her share in consideration of sale of the property. The offence under Section 307 of IPC was made out. The learned Judge has committed an error while granting bail to the said respondent.

5. Learned APP on instructions submitted that on completing investigation, charge-sheet has been filed against the accused. Trial has not commenced.

6. I have perused the impugned order dated 3<sup>rd</sup> January, 2018. The applicants were arrested on 29<sup>th</sup> November, 2017. Initially they were remanded to Police custody and subsequently to Magisterial custody. While granting bail, the learned Judge has considered all the aspects which are required for consideration of grant of bail. The Court also referred to the fact that the nature of injury appears to be simple and traumatic. Complainant was not

admitted to the hospital and the accused were in jail from 27<sup>th</sup> November, 2017. Learned Judge has assigned reasons for grant of bail. There is no ground to interfere in the order granting bail.

**ORDER**

Application No.61 of 2018 is rejected and disposed of accordingly;

**(PRAKASH D. NAIK, J.)**