

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

ANTICIPATORY BAIL APPLICATION NO. 1021 OF 2021

Laxmi Raju Lot Applicant

Versus

The State of Maharashtra Respondent

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Mr. Harshad M. Inamdar for Applicant.

Mr. Ajay Patil, APP for State/Respondent.

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CORAM : SARANG V. KOTWAL, J.
DATE : 07th APRIL, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. I 48 of 2021 registered at Bhadrakali Police Station, Nashik, on 09/02/2021, under sections 307, 504 and 506 r/w. 34 of the Indian Penal Code (for short 'IPC') and U/s.135 of Maharashtra Police Act.

2. Heard Shri. Harshad Inamdar, learned counsel for the applicant and Shri. Ajay Patil, learned APP for the State.

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

lodged by one Pawan Tak. He has stated that, on 08/02/2021, at about 9:30p.m. there was a quarrel between the informant's nephew Abhay on one side and one Aakash and Arjun on the other side. There were complaint and counter complaint in respect of that incident. At 10:30p.m. the present applicant, her sons Karan and Arjun and aforementioned Aakash Ranjwe came there. They started abusing the informant's elder brother Aakash Tak. It is alleged that, Arjun held Aakash Tak and Karan gave blow with stone on his head. In the meantime, the informant's other relatives came and intervened. There are allegations that the applicant had scratched the informant. Aakash Tak had suffered serious injuries and he was taken to hospital and, therefore, this F.I.R. was lodged.

4. Learned counsel for the applicant submitted that the applicant's son Karan has lodged his own F.I.R. vide C.R.No.47 of 2021 in respect of assault committed by Pawan Tak, Aakash Tak and others on Aakash Ranjwe and Karan. They were assaulted with weapons like chopper and knife. Shri. Inamdar pointed out that Aakash Ranjwe had succumbed to his injuries in that incident and offence U/s.302 of IPC was registered vide C.R.No. I 47 of 2021 at

the same Bhadrakali police station. Shri. Inamdar submitted that the story in the F.I.R. lodged against the present applicant is, therefore, not true. In any case, a minor role is attributed to her .

5. Learned APP produced investigation papers before me, which contain statement of the injured Aakash Tak. He has narrated the same story as mentioned in the F.I.R. His medical certificate shows that, he suffered depressed fracture of skull on left tempo parietal region.

6. I have considered these submissions and injury suffered by Aakash Tak. However, version against the present applicant will have to be tested in the context of F.I.R. lodged against Aakash Tak and informant Pawan Tak in respect of murder of Aakash Ranjve committed by Pawan, Aakash Tak and others. Thus, the allegations against the present applicant's group appear to be exaggerated and there is no reference as to how Aakash Ranjve had suffered injuries. Undoubtedly, Aakash Tak had suffered depressed fracture of skull at left tempo parietal region, but that role is attributed to Karan. A very minor role is attributed to the present applicant of scratching the first informant. In this

view of the matter, particularly taking into account the fact that Aakash and Pawan are arrested in murder case regarding murder of Aakash Ranjve, their statements are not absolutely reliable. Therefore, at this stage, sufficient doubt is created to their story. In this view of the matter, applicant can be protected by an order of anticipatory bail. Her custodial interrogation is not necessary.

7. Hence, the following order :

ORDER

- (i) In the event of her arrest in connection with C.R.No. I 48 of 2021 registered at Bhadrakali Police Station, Nashik, 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.)