

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

ANTICIPATORY BAIL APPLICATION NO. 1043 OF 2021

Mangala Ashok Jagtap	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Hemant P. Ghadigaonkar for Applicant.
Smt. A. A. Takalkar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 09th APRIL, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. I 193 of 2017, registered with Malegaon Taluka Police Station, under sections 394, 324, 143, 147, 148, 352, 323, 504 and 506 r/w. 34 of the Indian Penal Code (for short 'IPC').
2. Heard Shri. Hemant Ghadigaonkar, 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 Bhalchandra Ahire. He was husband of one Reena Ahire. They were not staying together. There was a matrimonial dispute between them. It is alleged in the F.I.R. that, on

11/07/2017 the informant was present in his house. His mother and one more lady were in the house. At that time, the informant's wife Reena and her relatives came there. They were total 12 in numbers. The applicant was one amongst them. The applicant is Reena's aunt. There are allegations that accused Siddhant, Pankaj and Vishal had sticks and iron rods in their hands. There are no allegations that the applicant was having any weapon. The F.I.R. further mentions that, accused Tushar pushed the informant, accused Vishal kicked him and accused Rajendra, as well as, Ashok held his hands. Accused Pankaj assaulted the informant with an iron rod on his head. There are allegations against other accused who assaulted the informant with sticks, kicks and fist blows. Accused Rajendra removed Rs.10,000/- from the pocket of informant. It is alleged that the present applicant and one Chhaya removed a gold chain from the informant's companion's neck. On this basis the F.I.R. was lodged.

4. Learned counsel for the applicant submitted that, this incident has occurred out of a matrimonial dispute between the first informant and Reena. She had already initiated proceedings

under section 498 of IPC and under the provision of the Protection of Women from Domestic Violence Act. He submitted that, in any case, the applicant is not attributed any serious role. He relied on the order passed by this court in Anticipatory Bail Application No. 874 of 2020. Vide order dated 02/02/2021 passed in that application, co-accused Chhaya who is similarly placed is granted anticipatory bail.

5. Learned APP relied on the injury certificate of the informant. He had suffered two serious injuries on head which are described as grievous injuries. There are other simple injuries in the nature of blunt trauma.

6. I have considered these submissions. The incident had occurred in July, 2017. The incident is quite old and role attributed to the applicant is minor. The incident was a result of matrimonial dispute between the informant and Reena. The applicant is not attributed any role of causing grievous injury. Her role is similar to that of Chhaya who is granted anticipatory bail. Therefore, on the ground of parity also, applicant deserves same treatment. In this background, after so many days, custodial interrogation of the

applicant is not necessary.

7. Hence, the following order :

ORDER

- (i) In the event of her arrest in connection with C.R.No. I 193 of 2017, registered with Malegaon Taluka Police Station, the applicant is directed to be released on bail on her furnishing P. R. 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.)