

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

CRIMINAL BAIL APPLICATION NO.2277 OF 2021

1. Ashabai @Nakusa Arun Adake
2. Jaya Balu Jadhav
3. Archana Dada Khomane ...Applicants
Versus
The State of Maharashtra ...Respondent

Mr. Devidas J. Jadhav, for the Applicants.

Ms. P. P. Shinde, A.P.P for the Respondent – State.

CORAM : REVATI MOHITE DERE, J.

DATE : 5th OCTOBER 2021

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the applicants seek their enlargement on bail in connection with C.R. No. 609 of 2020 registered with the Phaltan (Rural) Police Station, Satara, for the alleged offences punishable under Sections 302, 323, 324, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code.
3. Learned Counsel for the applicants submits that the applicants are ladies and they are not alleged to have assaulted the deceased – Ashish.

He submits that according to the prosecution, it is Rohit (accused No.1), Dattu (accused No.3) and Sunil (accused No.4) who are alleged to have assaulted Ashish (deceased) and not the applicants. He submits that even according to witnesses, the applicants assaulted the complainant – Sunita and her daughter-in-law – Kamini with bricks, stones and fist and kick blows and the injuries sustained by them were simple in nature.

4. Learned APP does not dispute the aforesaid role attributed to the applicants.

5. Perused the papers. According to the prosecution, the incident took place on 16th November 2020 at about 5:00 p.m. outside the complainant's house. The complainant (Sunita) had alleged that the accused were abusing her. The complainant has stated that the applicant No.3 – Archana informed her (complainant) that her daughter-in-law – Kamini was calling her son – Rohit and asking him to come and meet her. It is alleged by the complainant that pursuant thereto, Sunil, Rohit and Dattu started assaulting her son – Ashish (deceased) and the applicants are alleged to have assaulted her and her daughter-in-law – Kamini with bricks, stones and fist and kick blows. According to the complainant, Rohit, Dattu and Sunil assaulted the deceased (Ashish), as a result of

which, he became unconscious and when her younger son – Sanket came to separate the quarrel, Sunil assaulted Sanket with an axe. According to the complainant, on hearing the quarrel, people gathered on the spot, pursuant to which, the accused ran away from the spot. It is further stated that Ashish (deceased) and Sanket were taken to the doctor, however the doctor was not available, pursuant to which, they were taken to Doctor Gavade at Gunaware, where Sanket was medically treated and Ashish (deceased) was advised to be taken to a Hospital at Phaltan. Ashish (deceased) was declared to be dead on arrival at the Life-Line Hospital at Phaltan. The applicants have admittedly not assaulted either Ashish (deceased) or Sanket. The allegation as against the applicants is that they assaulted the complainant – Sunita and her daughter-in-law – Kamini. It appears from the statement of Sunita (complainant) and Kamini that since the injuries were simple, they had not visited the hospital. The applicants are ladies and have no antecedents. Investigation is complete and charge-sheet is filed.

6. Considering the nature of allegations, further detention of the applicants is not warranted. Accordingly, the application is allowed and the applicants are enlarged on bail, on the following terms and conditions:-

ORDER

- (i) The applicants be released on cash bail in the sum of Rs. 15,000/- each for a period of eight weeks;
- (ii) The applicants shall within the said period of eight weeks, furnish P.R. Bond in the sum of Rs. 15,000/- each with one or two sureties in the like amount;
- (iii) The applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The applicants shall inform their latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (v) The applicants to cooperate with the conduct of the trial and attend the trial Court on all dates, unless exempted.

7. The application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.