

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

ANTICIPATORY BAIL APPLICATION NO. 1778 OF 2021

1. Nagina Kaur Sikandar Tak
2. Rina Kaur Kiran Singh Applicants

Versus
The State of Maharashtra Respondent

Ms Sharan G. Bhagat, for the applicant.
Mr. Ameet A. Palkar, APP for the State/Respondent.

CORAM: SARANG V. KOTWAL, J.
DATE : 3rd AUGUST 2021

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No. 78 of 2021 registered at Dombivali Police Station, Thane, on 12/03/2021, under sections 326, 324, 323, 504, 141, 147, 148, 149 of the Indian Penal Code, under Sections 4 and 25 of the Indian Arms Act and under Sections 37(1), 37(3) read with Section 135 of Maharashtra Police Act.

2. Heard Ms. Sharan G. Bhagat learned counsel for the applicant and Mr. Ameet A. Palkar, learned APP for the State.

3. The FIR is lodged by one Leelabai Prabhakar Phule. She has stated that there was a dispute of the informant's family with one Dhara Singh's family in respect of a common open space between their houses. Both of them had constructed a wall at that place. Both the parties were blaming each other for the dispute. On 12/03/2021, at about 3.30 p.m., Dhara Singh and his family members brought railway police and started breaking the wall constructed by the informant's family. The informant and her family members resisted. It is alleged that Dhara Singh, Bobby Singh, Sikandar Singh and the applicant No. 2 assaulted the informant's husband. There is a general allegation that both the applicants took part in assaulting with kicks and fists blows. The applicant no. 1 is described as Sikandar's wife. It is alleged that Bobby Singh took out a sword and

gave a blow on the informant's nose thereby cutting her nose. The others came there. They rescued the victim. They were taken to the police station and then to the hospital. On this basis the FIR is lodged.

4. Learned Counsel for the applicant submitted that the main accused Dhara Singh was arrested and the charge-sheet was filed against him. She submitted that, Dhara Singh's wife Ajita Kaur had lodged her own FIR vide C.R. No. 77 of 2021 mainly under section 324 of the Indian Penal Code at the same police station. She submitted that no role is attributed to either of these applicants causing any grievous injuries to the informant. She submitted that therefore, their custodial interrogation is not necessary. Learned Counsel also invited my attention to the statements of witnesses Prabhakar Phule and Kiran Phule. Both of them have given their versions of the incident. Learned Counsel submitted that, as per their version the assault with sword had taken place when the informant was going towards police station. At that

time none of these applicants had any role to play.

5. Learned APP opposed this application on the ground that the informant had suffered grievous injury on her face.

6. I have considered these submissions. This is an incident where there is a FIR and counter FIR lodged by both the parties. The question is about involvement of both these applicants. The main role of assault with sword is attributed to accused Bobby Singh. Statements of eye witnesses Prabhakar and Kiran show that the incident had occurred in three parts. The informant was assaulted on face in the last part of the incident when the informant was proceeding towards the police station. There are no allegations that both these applicants were present at that time. Their role was limited to the assault with fist and kick blows. Both these applicants are women. In this background, they can be protected by an order of anticipatory bail.

7. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R. No. 78 of 2021 registered with Dombivali Police Station, Thane, the Applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.
- (ii) The Applicants shall attend the concerned Police station as and when called and shall co-operate with the investigation.
- (iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)