

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1985 OF 2021**

Mrs.Kamini Rahul Gavhane & Anr. .. Applicants
Versus
The State of Maharashtra .. Respondent

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Mr.Ranjeet M. Pawar for the Applicants.
Ms.Rutuja Ambekar, APP for the State.

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**CORAM: BHARATI DANGRE, J.
DATED : 26th AUGUST, 2021**

P.C:-

1. The application is filed by two women, who are arraigned as accused in C.R.No.109 of 2021 registered with Baramati Taluka Police Station, Dist Pune, invoking Sections 143, 147, 148, 149, 307, 326, 504 and 506 of the Indian Penal Code (for short, “IPC”), at the instance of one Prashant More, reporting about an incident which took place on 16/02/2021.

2. The case of the prosecution is that the complainant received the phone call from one Sanjay Tambe, who is a pipeline contractor, informing him that the applicants and their family members are digging near the pipeline which was recently installed and when he rushed to the spot, he noticed that the drainage pipeline was being exposed. He objected and told them that the material covering the pipeline should not be

removed as he would see the JCB machine being brought on the spot. Apprehending that it will cause damage to the pipeline, a row ensued between the two groups. It is alleged that at that time, accused Rahul resisted him and picked up an iron spade and rushed towards him. He called the members from his house, upon which his mother Lata, his wife Kamini (applicant No.1), Ritik, Ramesh and his wife Manisha (applicant No.2) arrived at the spot. Ramesh was armed with scythe whereas Ritik was armed with an iron rod and Rahul was armed with iron spade. It is alleged that the ladies were carrying stones in their hand. The complainant alleged that when they were assaulting him, his brother Vinod More attempted to intervene, but he was also assaulted. The injured were taken to the hospital and the injury certificates are obtained.

3. As far as the complainant is concerned, he has sustained following injuries.

1. CLW on scalp (occipital region) 8x1x1 cm - Simple injury;
2. Comminuted depressed # at vertex and diastasis of posterior sagittal suture- Grievous injury;
3. Left parafalcine SDH with SAH in left frontal lobe - Grievous injury

As far as Vinod is concerned, the MLC record the following injuries :-

1. CLW (R) temporal region (3 x 1 x 1) with CLW (L) wrist (6 x 1 x 1) with CLW on left palm (2 x 1 x 1) - simple injury;

2. Acute EDH parietal region with mild acute SAH (right high parietal region) - Greivous injury;

3. Comminuted mild displaced and depressed # seem pf tje right parietal lobe -Greivous injury

4. Learned APP invited my attention to the statement of Vinod More, who has narrated the incident and while ascribing role to the accused persons, he states that applicant No.1 picked up a stone and hit him on head whereas accused Bitya is alleged to have assaulted him by scythe. In his statement, he attributed general role to the other women, of pelting stones at him.

5. On confronted with the said statement qua applicant No.1 and the injuries sustained by Vinod, learned counsel for the applicants state that he will not press the application against applicant No.1 and he may be permitted to withdraw the application filed by her. However, he urge that applicant No.1 is a lady having small children and, therefore, when she will prefer an application for release on bail before the trial

court, it may be expeditiously decided. Since, the said request is reasonable, it can be granted. On an application being filed by applicant No.1 after her arrest, the court before whom, the Application lie, is requested to take up the same for hearing forthwith.

6. As far as applicant No.2 is concerned, in the wake of the material brought on record by the learned APP, she is not assigned any specific role and the injured Vinod only state that she pelted stones. In light of the said accusation, she is entitled to be released on bail, subject to the stipulation that she will co-operate with the investigation.

: **ORDER** :

- (a) The application is partly allowed.
- (b) The application qua applicant No.1 is disposed of as being withdrawn.
- (c) In the event of arrest in C.R.No.109 of 2021 registered with Baramati Taluka Police Station, Dist. Pune applicant-Mrs.Manisha Ramesh Gavhane shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (d) The applicant shall report to the concerned police station as and when called for.
- (e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from

disclosing the facts to Court or any Police Officer and shall not tamper with the prosecution evidence.

(SMT. BHARATI DANGRE, J.)