

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (BA) NO. 1027/2020
(Sau.Sheela Siddarth Ingle vs. State of Maharashtra :Th. PSO PS Civil
Lines, Akola)

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Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

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Mr. S.V. Sirpurkar, Advocate for the applicant
Mr. Amit Chutke, APP for respondent-State

CORAM : MRS.SWAPNA JOSHI, J.

DATED : 11th February, 2021

1. The applicant has filed the present Application under Section 439 of the Cr.PC. seeking bail for offence punishable u/ss. 302, 143,147,148,149,504,323, 324,325m and 326 r/ws.34 of the Indian Penal Code, registered at Police Station Civil Lines, Akola, in respect of Crime No.138/2020.

2. I have heard learned counsel for the respective parties. Perused the case-papers.

3. The prosecution case in brief is that on 25.5.2020 at about 9.00 pm, the son of the complainant, namely, Mangal went to attend the nature's call near the *nullah*. At that time, the daughter-in-law of the complainant, namely, Vaishali informed the complainant that when Mangal had gone to attend the nature's call, their neighbours i.e. accused persons followed him by holding sticks and weapons. Therefore, the complainant proceeded towards the *nullah*. At that time, she was assaulted by one of the accused persons by means of iron pipe, due to which she sustained

injury and fell down. It is further alleged that at the relevant point of time, the applicant brought a mattock (*kudal*) and handed over the same to one of the accused. It is further alleged that the accused persons assaulted her husband by means of iron pipes due to which he fell down. Thereafter, accused-Akash assaulted him on his head by means of mattock. So also, her son too was assaulted in the same manner by the accused.

4. Learned counsel for the applicant vehemently argued that although it is alleged in the FIR that the present applicant had handed over mattock to one of the accused, name of that accused is not reflected in the FIR. The alleged eye witnesses i.e. daughter-in-law Vaishali as well as daughter-in-law Varsha, in their statements do not disclose the presence of the applicant at the place of the incident. Learned Advocate further contended that the applicant being a lady having no criminal antecedents, be enlarged on bail.

5. Learned APP opposed the Application.

6. After hearing both sides and on a perusal of the case-papers and the reply filed by the prosecution, *prima facie*, it appears that there is discrepancy in the statement of the witnesses and considering the nature of offence and the allegations against her, I am of the opinion that the applicant can be released on bail by imposing certain conditions. Hence the order :-

ORDER:

The applicant-Sheela Siddarth Ingle, be released on bail for offence punishable u/ss 302, 143, 147, 148, 149, 504, 323,

324, 325 & 326 r/ws.34 of the Indian Penal Code, on her executing a PR bond in the sum of Rs. 25,000/- (rupees twenty five thousand) with one or two solvent sureties in the like amount, on the following conditions :-

- (i) She shall attend the concerned Police Station, on every 1st and 3rd Saturday of each month, between 11.00 and 2.00 pm, till filing of the charge -sheet.
- (ii) She shall provide her residential address and cellphone number to the concerned Investigating Officer and shall not change the same without prior intimation to the Investigating Officer.
- (iii) She shall not tamper with the prosecution witnesses in any manner.
- (iv) Two consecutive absence without reasonable cause will entail the prosecution to move for cancellation of bail.
- (v) Any observations made in this order are only for granting bail to the applicant and it shall not come in the way of the trial Court, during trial.

Criminal Application stands disposed of.

JUDGE

sahare