

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.140 OF 2022

1.	Raeesa w/o Karim Teli	
2.	Shakeela w/o Babu Teli	... Applicants
Versus		
	The State of Maharashtra	... Respondent

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Mr. B. R. Waramaa, Advocate for applicants.
Mr. V. M. Kagne, APP for the respondent – State.

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 21.02.2022

ORDER :-

1. Both the applicants are apprehending their arrest in connection with Crime No.03 of 2022 registered with Amalner Police Station, Dist. Jalgaon for the offences punishable under Sections 307, 452, 143, 147, 149 of Indian Penal Code.

2. Heard learned Advocate Mr. B. R. Waramaa for the applicants and learned APP Mr. V. M. Kagne for the respondent – State. In order to cut short, it can be said that both of them have made submissions in support of their respective contentions.

3. Perusal of the FIR would show that the informant Akhtar Razzak Teli is arraying 12 persons as accused in respect of an incident that had allegedly taken place at about 11.30 a.m. on 05.01.2022. The FIR also

shows that there is dispute already pending between the families of informant and accused persons. According to the informant, all the 12 accused persons were present at the spot and he was stabbed by co-accused Anam and assaulted by wooden stick by Rahim, Kamaal, Zishan etc. As regards the present applicants are concerned, he has stated that applicant – Shakeela had brought wooden stick and gave it to Kamaal and in instigating words, she told him that he should hit the stick on the head of informant. Thereafter, Kamaal had hit that stick on the head of the informant. Thereafter, he states that applicant Raeesa Karim Teli brought wooden stick and instigated the others. These are the acts those are attributed to the present applicants. If we consider the final injury certificate of the informant, then it shows that he had certain injuries, but all are stated to be simple in nature caused within six hours by hard and blunt object. The FIR also states about the injury to other family members, especially one Razzak Ramjan Teli and it appears that he has sustained grievous injury of fracture to left forearm and right leg with knee, however, as regards statement of Razzak is concerned, he has also stated that applicant Shakeela had provided wooden stick to Karim, but he does not say that any of the applicants had used the same. The statements of eye witnesses are also on the same line. At the most, it may give a picture that the applicant Shakeela was the facilitator to

Karim to cause injury to the informant on his head with the help of stick, but that injury appears to be simple in nature. Another fact is that when Shakeela had already brought the stick, then why applicant Raeesa would go inside the house and bring another stick and without using that stick, she would only instigate others. Nobody had stated that she had provided that stick which she had brought to anybody else and then that another person has assaulted any other witness. Therefore, taking into consideration the role attributed to the applicants and the fact that the applicants are ladies, the application deserves to be allowed. Hence, the following order :-

ORDER

- I) Application stands allowed.
- II) In the event of arrest of applicants viz., (i) Raeesa w/o Karim Teli and (ii) Shakeela w/o Babu Teli in connection with Crime No.03 of 2022 registered with Amalner Police Station, Dist. Jalgaon for the offences punishable under Sections 307, 452, 143, 147, 149 of Indian Penal Code, they be released on P. R. Bond of Rs.30,000/- with two sureties of Rs.15,000/- each.
- III) The applicants shall not tamper with the evidence of the prosecution in any manner.
- IV) They should not indulge in any criminal activity.

[SMT. VIBHA KANKANWADI, J.]

scm