

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

910 ANTICIPATORY BAIL APPLICATION NO.178 OF 2022

RUPALI W/O MILIND BARFE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. R.V. Gore, Advocate for applicants

Mr. V.M. Kagne, APP for the respondent

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 16th MARCH, 2022

ORDER :

1 The applicants are apprehending their arrest in connection with Crime No.6/2022 dated 08.01.2022 registered with Bidkin Police Station, Dist. Aurangabad, for the offence punishable under Section 307, 143, 147, 148, 149, 324, 323, 504 of the Indian Penal Code, 1860.

2 Heard learned Advocate Mr. R.V. Gore for applicants and learned APP Mr. V.M. Kagne for the respondent. In order to cut short, it can be said that they have argued in support of their respective contentions.

3 First Information Report has been lodged by one Suraj Dilip Tingote. He stated that there is dispute between his grandmother Muktabai Bhanudas Barfe with her step uncle on the count of house and open area. Informant had gone to Bidkin Tathagat Nagar from Chittegaon at about 11.00 a.m. on 08.01.2022 to meet the grandmother. At that time, his step uncle Ramesh Bhanudas Barfe, Ramesh's sons Kiran and Milind and cousin brother-in-law Shantilal Hiwrale, cousin sister Rupali, Sonali Kiran Barfe, Anita Shantilal Barfe, Nita Satish Bhalerao, Amol Narwade and others came and started asking him, as to why he has brought tiffin for grandmother. He was abused and when he had tried to explain his position, his uncle Ramesh had assaulted him by scythe on his head. It created bleeding injury to his head. Kiran Barfe assaulted him on his left thigh by iron rod and kicked him. He fell down on the ground and then Milind Barfe had tried to strangulate him and then gave fists in his stomach. Rupali and Savita had caught hold of the cousin sister of the informant Mayuri and accused Mirabai had then given blow of scythe on Mayuri's head. Accused Neeta and Anita had over holding iron rod and by abusing informant's maternal aunt Ratna, they had manhandled her. Shantilal and Amol had assaulted the informant by kicks and fist blows and abused.

4 Thus, the contents of the First Information Report would show

that applicant No.1 Rupali and applicant No.2 Savita had caught hold of Mayuri. Though it is stated that she was assaulted by scythe on her head, that act is attributed to accused Mirabai and Mirabai is not before this Court in this application. As regards applicant No.3 Anita and applicant No.4 Neeta are concerned, it is stated that they were holding iron rod but the First Information Report does not say that they had used the iron rod to cause injury to aunt Ratna. Under such circumstance, the custodial interrogation of the applicants is not required. It also appears that a cross complaint has been filed from the group of the applicants and they have also received injuries. The informant and others are accused persons in that First Information Report. The applicants are ladies and taking into consideration the role attributed to them in the First Information Report, when their custody is not required for the purpose of investigation, they deserve to be released on bail. Interim protection was granted by this Court on 21.02.2022, that protection deserves to be confirmed. Accordingly, it is confirmed. Hence, following order.

ORDER

1 Application stands allowed.

2 The ad-interim protection, granted by this Court earlier to

applicants vide order dated 21.02.2022, is hereby confirmed and made absolute. In other words, if the applicants are not formally arrested, in the event of arrest of the applicants viz. **1) Rupali w/o Milind Barfe, 2) Savita w/o Santosh Pandit, 3) Anita w/o Shantilal Hivarale and 4) Neeta w/o Satish Bhalerao**, in connection with Crime No.6/2022 dated 08.01.2022 registered with Bidkin Police Station, Dist. Aurangabad, for the offence punishable under Section 307, 143, 147, 148, 149, 324, 323, 504 of the Indian Penal Code, 1860, they be released on PR. of Rs.30,000/- (Rupees Thirty Thousand only) each with two solvent sureties of Rs.15,000/- (Rupees Fifteen Thousand only) each.

3 Applicants shall not indulge in any criminal activity nor shall tamper with the prosecution evidence, in any manner.

4 They should cooperate with the investigation and shall remain present before the Investigating Officer as and when called.

(Smt. Vibha Kankanwadi, J.)