

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.279 OF 2022

SUMANBAI W/O UMRAO WADJE
VERSUS
THE STATE OF MAHARASHTRA

...
Mr. U. B. Bilolikar, Advocate for applicant.
Mrs. Vaishail Patil – Jadhav, APP for the respondent – State.
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 21.03.2022

ORDER :-

. The applicant is apprehending her arrest in connection with Crime No.214 of 2021 registered with Naigaon Police Station, Dist. Nanded for the offences punishable under Sections 307, 324, 504, 506 read with Section 34 of Indian Penal Code.

2. Heard learned Advocate Mr. U. B. Bilolikar for the applicant and learned APP Mrs. Vaishali Patil Jadhav 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. The First Information Report has been lodged by one Suryakant Maroti Wadje. Applicant has been shown as accused No.4. The role

attributed to her is that she had brought axe and gave it to accused Umrao and then accused Umrao had given blow by the opposite side of the blade of axe i.e. wooden handle to the informant. It caused injury on the head of the informant. A detailed order has been passed by this Court while granting interim protection to the present applicant. Those observations are reiterated. First of all, it is hard to believe that in spite of having a sharp weapon in his hand and if at all he has the intention to kill, why Umrao would use the wooden handle of the axe by keeping the sharp edge towards him. Medical report in the form of discharge summary has been collected, which shows that the history was given by the patient about the accidental assault. The discrepancy in the medical report has been taken note of by this Court. Whether the ingredients of Section 307 of Indian Penal Code are attracted or not itself is a question and, therefore, the interim protection granted earlier by this Court deserves to be confirmed. Hence, the following order :-

ORDER

- I) Application stands allowed.
- II) The interim protection granted earlier by this Court vide order dated 04.03.2022 stands confirmed and made absolute. In other words, in the event of arrest of the applicant – Sumanbai Umrao Wadje in connection with Crime No.214 of 2021 registered

with Naigaon Police Station, Dist. Nanded for the offences punishable under Sections 307, 324, 504, 506 read with Section 34 of Indian Penal Code, she be released on P. R. Bond of Rs.30,000/- with two solvent sureties of Rs.15,000/- each, if not already released.

III) The applicant shall not indulge in any criminal activity nor she should tamper with the evidence of the prosecution, in any manner.

IV) She should cooperate with the investigation.

[SMT. VIBHA KANKANWADI, J.]

scm