

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

912 BAIL APPLICATION NO.360 OF 2022

1. Vandana Dilip Kale
Age: 32 years, Occu.: Labour,
R/o.Madni, Tq.Sillod, Dist.Aurangabad.
2. Mangala Anna Kale
Age: 48 years, Occu.: Labour,
R/o. Madni, Tq.Sillod, Dist.Aurangabad. ..Applicants

VERSUS

- . The State of Maharashtra
(Through Ajintha Police
Station, Dist.Aurangabad). ..Respondent

...
Advocate for Applicants : Shri Nilesh S. Ghanekar
APP for Respondent : Shri A.A.Jagatkar

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CORAM : M.G.SEWLIKAR, J.

DATE: 6th April, 2022

PER COURT :-

1. Heard.
2. Allegations against the applicants are that the informant alongwith his family members was on his way to house of one Bhagwan Apar. While walking, the informant called out Dnyaneshwar Kalbhile. Accused Anna Natuba Kale thought that it was meant for him and stopped his motorcycle and threatened the informant to kill. Anna Kale went away. After about ten

minutes, he came back with Dilip Kale, Shantaram Kale, Anil Kale, Vinod Kale and these two applicants. Anna picked up a stone and delivered a blow of it on the head of wife of the informant. When informant's uncle by the name of Suryanandan Kalbhile came to the rescue of the informant, accused Vinod Kale hit Suryanandan Kalbhile by an iron rod on his head. Accused Dilip Kale beat Ankush Kalbhile with firewood on his head. The allegations against the applicants are that they beat mother of the informant with kicks and fist blows. On these allegations, FIR came to be lodged on the basis of which Crime No.0027 of 2022 came to be registered with Ajintha Police Station, District Aurangabad, under Sections 302, 143, 144, 147, 148, 149, 324, 323, 504, 506 of the Indian Penal Code.

3. Shri N.S.Ghanekar, learned counsel for the applicants submits that the only role ascribed to the applicants is that they assaulted mother of the informant with kicks and fist blows. He submits that the applicants did not assault the deceased.

4. Shri A.A.Jagatkar, learned APP for the respondent submits that the applicants shared common intention with other accused and therefore, they may not be released on bail.

5. Suryanandan Kalbhile died during treatment. Therefore, offence was converted into offence under Section 302 of the Indian Penal Code. The allegations of assault on deceased Suryanandan are against accused Vinod Kale. The allegations against the applicants are that they assaulted the mother of the informant with kicks and fist blows. Injury certificate of the mother of the informant is not collected by the prosecution. Applicants have no criminal antecedents. They are not likely to flee from justice. In this view of the matter and the applicants being ladies, I am inclined to release them on bail. Hence, the order :-

ORDER

- i) Bail Application is allowed.
- ii) Each of the Applicants be released on P.R.Bond of Rs.15,000/- (Rs. Fifteen thousand only) with one solvent surety in the like amount, in connection with Crime No.0027 of 2022, registered with Ajintha Police Station, District Aurangabad, under Sections 302, 143, 144,147, 148, 149, 324, 323, 504, 506 of the Indian Penal Code, and on condition that they shall not tamper with the prosecution evidence and they shall attend the concerned Police Station as and when called upon to do so by the Investigating Officer.
- iii) Bail Application is disposed of.

iv) It is clarified that the observations made in this order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

(M.G.SEWLIKAR)
JUDGE

SPT