

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

**ANTICIPATORY BAIL APPLICATION NO.308 OF 2022
WITH
CRIMINAL APPLICATION NO.1257 OF 2022**

Suvarna W/o Ganesh Wagh

...APPLICANT

VERSUS

The State of Maharashtra

...RESPONDENT

...
Mr.Nilesh S. Ghanekar Advocate for Applicant in Anticipatory
Bail Application No.308 of 2022.
Mrs.Vaishali Patil-Jadhav, A.P.P. for Respondent-State.
Mr.Sachin S. Panale Advocate for applicant in Criminal
Application No.1257 of 2022 for assist to APP.

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CORAM: SMT. VIBHA KANKANWADI, J.

DATE : 4th APRIL, 2022

ORDER :

1. Criminal Application No.1257 of 2022 moved for assist to
APP stands allowed and disposed of.

2. Applicant is apprehending her arrest in connection with
Crime No.48 of 2022 registered with Gangapur Police Station,
Taluka-Gangapur, District-Aurangabad for the offence punishable

under Sections 307, 323, 324, 143, 147, 148, 149 and 504 of the Indian Penal Code.

3. Heard learned Advocate Mr. Ghanekar for the applicant and learned APP Mrs. Vaishali Patil-Jadhav for the respondent – State, well assisted by learned Advocate Mr. Panale for the informant.

4. The First Information Report has been lodged by Radhakishan Sakahari Aute on 16th February 2022 at about 23.28 hours in respect of the incident that had allegedly taken place at about 4.30 p.m. on the same date. He has stated about the earlier day's incident when Ganesh, husband of the present applicant had pelted stone towards daughter of the informant and she had sustained injury to her head and when wife of informant went to his house for asking about the same, husband of applicant assaulted her by fists. But then he says that the said dispute was resolved amicably after the intervention of people. Then he says that on the next day i.e. on 16th February 2022 at about 4.30 p.m. he was returning from the field. He met co-accused Ganesh i.e. husband of the present applicant. Ganesh started abusing him and dragged him down from his

vehicle. Ganesh then tried to assault the informant by knife but he ducked the same and Ganesh was caught by one Javed Shaikh. Thereafter one Raju Wagh and Ganesh Wagh were following him. Informant was narrating incident to his brother Vitthal on phone and the informant was again caught hold near the field of one Gangadhar Waghmare by co-accused Ganesh. It is then stated that at that time Vitthal and Ramkisan Aute, brothers of the informant, had come to the said place. Ganesh stabbed Vitthal with knife on his stomach. Raju Wagh then assaulted Ramkishan by sword stick. At that time Ganesh's wife, who has been named as Sonu, and Raju's wife Kavita came there and they were assaulting the informants and others with sticks. When informant's wife and sister-in-law came to rescue them, they were also assaulted and abused by Kavita and Sonu.

5. Thus, it is to be seen that as against present applicant, allegation is that she had assaulted the informant and others with stick, but it is not stated on which part of the body they received injuries and same is the case about alleged injury to wife and sister-in-law of the informant. The papers would show that they have sustained simple hurt also apart from the other injuries. Under such circumstance, the custodial interrogation of

the applicant is not necessary for the investigation. This Court, by order dated 21st March 2022 had already granted interim protection to the applicant which deserves to be confirmed. Accordingly, following order is passed:-

ORDER

- i) Application stands allowed.
- ii) The interim protection granted to the applicant by this Court by order dated 21st March 2022 stands confirmed. It is thus clarified that in the event of arrest of applicant – Suvarna W/o Ganesh Wagh in connection with Crime No.48 of 2022 registered with Gangapur Police Station, Taluka-Gangapur, District-Aurangabad for the offence punishable under Sections 307, 323, 324, 143, 147, 148, 149 and 504 of the Indian Penal Code, she be released on bail on PR Bond of Rs.30,000/- with two sureties of Rs.15,000/- each, if already not released.
- iii) Applicant shall not tamper with the evidence of the prosecution in any manner.

- iv) Applicant shall not indulge in any criminal activity.
- v) Applicant should cooperate with the investigation.
- vi) Criminal Application No.1257 of 2022 stands disposed of.

[SMT. VIBHA KANKANWADI , J.]

asb/APR22