

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

**941 BAIL APPLICATION NO.516 OF 2022**

**SHAKINA @ SHOBHA YOGESH BHOSALE**

**VERSUS**

**THE STATE OF MAHARASHTRA AND ANOTHER**

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Advocate for Applicant : Mr. D.K. Dagadkhair  
APP for Respondent / State : Mr. S.B. Narwade

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**CORAM : SARANG V. KOTWAL, J.**

**Date : JUNE 08, 2022**

**PER COURT :-**

. The applicant is seeking bail in connection with C.R. No.26 of 2021 registered at Ahmednagar Camp Police Station, Dist. Ahmednagar on 16.01.2021 under Sections 302, 307, 326, 324, 323, 504, 506, 143, 147, 148, 149, 341 of the Indian Penal Code. The applicant was arrested on 12.01.2022 and since then, she is in custody. The investigation is over and the charge-sheet is already filed.

2. Heard Mr. D.K. Dagadkhair, learned Counsel for the applicant and Mr. S.B. Narwade, learned APP for the respondent - State.

3. The FIR is lodged by one Shital Bhosle. She has stated in the FIR that on 15.01.2021 her son Siddharth was assaulted by the present applicant and he had suffered head injury. Therefore, she, her daughters and son Siddharth had gone to Nagar Taluka Police Station to give a complaint. The Police Officer took down N.C. complaint. When they were returning home, at about 09:00 p.m., 7 accused including the present applicant stopped them and started assaulting her and others. There are allegations that accused Baba @ Dattya and Naddya assaulted with sticks and others assaulted with fists and kick blows.

4. In the incident Rahul, Siddhu, Priya, Suchita, Aashanka and Ashok as well as the first informant suffered injuries. Thereafter, the FIR was lodged initially under Section 307 of the I.P.C., however subsequently Siddhu succumbed to his injuries, therefore, Section 302 of I.P.C. was added.

5. Learned Counsel for the applicant submitted that in the entire charge-sheet none of the witnesses have attributed overt act to the present applicant. At the highest, presence of the applicant is shown at the spot. However, there are not even allegations that she

instigated any of the accused to cause serious assault. The accused were carrying wooden sticks. One of the accused gave a serious blow, therefore it cannot be presumed that the applicant was a party to that assault. Learned Counsel for the applicant further submitted that the applicant has three minor children about 7, 8 and 12 years of age.

6. Learned APP on the other hand submitted that apart from Siddhu, other injured named in the FIR have also suffered grievous injuries and, therefore, the incident is serious.

7. I have considered the submissions. I have perused the charge-sheet with the assistance of both the learned Counsel. The statements of eye witnesses Priya, Payal, Aasha, Karishma and Reshma are almost similar to the FIR. There are general allegations that all the accused assaulted the informant and others. Neither any specific weapon nor any overt act is attributed to the present applicant. It is true that there are grievous injuries suffered by others also. Deceased Siddhu had suffered fatal head injury. None of these injuries is specifically attributed to the present applicant.

8. Considering this background and also taking into account

that applicant has three young children, she is in custody since 12.01.2022, the investigation is over and the trial is likely to take a long time, I am inclined to grant bail to the present applicant on certain conditions. Hence, I pass the following order.

**ORDER**

(i) In connection with C.R. No.26 of 2021 registered at Ahmednagar Camp Police Station, Dist. Ahmednagar, the applicant is directed to be released on bail on her executing P.R. Bond in the sum of Rs.25,000/-, with one or two sureties in the like amount.

(ii) The applicant shall attend the concerned Police Station every fortnight till filing of the charge-sheet and shall co-operate with the investigation.

(iii) The applicant shall attend all the dates in the Court unless exempted by the trial Court.

(iv) The Bail Application is disposed of accordingly.

**( SARANG V. KOTWAL, J. )**