

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

ANTICIPATORY BAIL APPLICATION NO.832 OF 2022

1. Swati Vinod Wagh
2. Ahilyabai Gokul Bhagat
3. Jijabai Ravindra Wagh
4. Ashutosh Vinod Wagh ...Applicants

Versus

1. The State of Maharashtra
2. The Superintendent of Police Jalgaon ...Respondents

...

Advocate for Applicants : Mr. Mehta Punit S

APP for Respondents : Mr. V.M. Kagne

...

CORAM : S.G. MEHARE, J.

DATED : 04th AUGUST, 2022

PER COURT:-

1. Heard learned counsel for the applicants and learned APP for the State.
2. It has been alleged against the applicants that they have assaulted the family members of the complainant with firewood sticks and caused injuries.
3. Learned counsel for the applicants has read the statements of the independent witnesses and the witnesses of the injured and argued that the statements are inconsistent. The name of the lady accused have not been taken by the independent witness. The injured are also not consistent as regards to the assault

committed by the applicants. The charge sheet has already been filed. Nothing remained to be recovered from the applicants.

4. Learned APP fairly conceded that so far as applicant no.2 Ahilyabai is concerned, there are consistent statements against her assaulting one Sunil. The weapon used by her is not seized, therefore, her custodial interrogation is essential.

5. Perused the papers. There appears substance in the submission of the learned APP that the consistent allegations have been levelled against the applicant Ahilyabai only that she assaulted the injured Sunil with firewood stick. Since she has not been arrested, the recovery of the weapon is yet to be done.

6. Learned counsel for the applicants prays to withdraw the application of the applicant no.2 Ahilyabai. Leave granted. The application in respect of applicant no.2 Ahilyabai stands dismissed as withdrawn.

7. The applicants have not used the weapons. In view of the facts of the case, this Court is of the view that the application deserves to be partly allowed. Hence, the following order :

ORDER

I) The application is partly allowed.

II) In the event of arrest, the applicants, Swati Vinod Wagh, Jijabai Ravindra Wagh and Ashutosh Vinod Wagh be released on bail, on executing PB. and S.B. of Rs.15,000/- (Fifteen Thousand) each with

one or two solvent sureties in the like amount in Crime No.489 of 2021, registered with Pahur Police Station, District Jalgaon for the offence punishable under Sections 307, 326, 324, 323, 143, 147, 148, 149, 504, 506 r/w 34 of the Indian Penal Code, on the condition that they shall attend the police station as and when called by the Investigating Officer on written notice and shall not tamper with the prosecution witnesses.

(S.G. MEHARE, J.)