

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

BAIL APPLICATION NO. 1004 OF 2022

1. Nirmala Manoj Surwase
Age: 35 years, Occu.: Household,
2. Roopali Mayur Nannavare
Age: 20 years, Occu.: Household,

Both R/o Vadargalli, Ashti,
Tq. Ashti, Dist. Beed

..APPLICANTS

VERSUS

State of Maharashtra
Through PI. Ashti Police Station,
Tq. Ashti, Dist. Beed

..RESPONDENT

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Mr. M.S. Bhosale, Advocate for applicants
Mr. N.T. Bhagat, A.P.P. for respondent – State
Mr. J.M. Murkute, Advocate for assist to A.P.P.

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CORAM : R.G. AVACHAT, J.
DATE : 26th JULY, 2022

PER COURT :

1. This is an application for bail under Section 439 of Code of Criminal Procedure. The applicants have been arrested in connection with Crime No. 165 of 2022 registered with Ashti Police Station, Dist. Beed for the offences punishable under Sections 307, 326, 325, 324, 323, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code ('I.P.C.') and under Sections 3 and 25 of the Arms Act.

2. Heard. Perused the First Information Report (“F.I.R.”) and related police papers.

3. The F.I.R. has been lodged by one Santosh Survase on 28th May, 2022 in relation to the incident that took place two days before. What can be gathered from the F.I.R. is that mother of the informant is a member of Ashti Nagar Panchayat. She had defeated Shakuntala Survase, mother-in-law of Applicant No.1 – Nirmala. Since the day of election, the relation between the two families had turned sour. The incident took place by 11.30 p.m. on 26th May, 2022. It is averred in the F.I.R. that the informant and all his family members were at home. Manoj Survase, Dilip Survase, Ankush Danvate, Vishwajit Dhotre, Prashant Survase (co-accused) and Applicant No.1 – Nirmala came together. All of them were armed with iron rods. They started abusing the informant and his family members. The informant and his family members, therefore, came out of the house. The accused persons mounted attack on them. Applicant No.1 – Nirmala is attributed with an assault on the left hand of Anita with an iron rod. Name of Applicant No.2 – Roopali does not figure in the F.I.R. The victims suffered serious and grievous injuries. Co-accused Dilip is said to have threatened all the victims at revolver point. Crime, therefore, came to be registered.

4. Learned counsel for the applicants would submit that a false F.I.R. has been lodged. There is delay of three days in lodging the F.I.R. The applicants are females. He, therefore, urged for grant of application.

5. Learned A.P.P. would, on the other hand, submit that investigation of the crime is underway, it would, therefore, not be desirable to grant application for bail.

6. Considered the submissions advanced. Name of Applicant No.2 – Roopali does not figure in the F.I.R. She is just twenty years of age. Applicant No.1 – Nirmala is alleged to have assaulted Anita with iron rod. No further overt act has been attributed to her. So far as her individual act is concerned, it may be an offence punishable under Section 324 of the I.P.C. Both the applicants are behind the bars for little over one month. Their criminal liability in respect of main offence punishable under Section 307 of the I.P.C. is sought to be invoked with the aid of Section 149 of the I.P.C.

7. The applicants being females and having been behind the bars for about one month and the fact that name of Applicant No.2 – Roopali does not figure in the F.I.R. and also considering the role attributed to Applicant No.1 – Nirmala, the application deserves to be allowed. Hence I pass the following order :-

ORDER

(I) The bail application is allowed.

(II) The applicants be released, in connection with Crime No. 165 of 2022 registered with Ashti Police Station, Dist. Beed for the offences punishable under Sections 307, 326, 325, 324, 323, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code and under Sections 3 and 25 of the Arms Act, on executing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) each with one surety in the like amount.

(III) The applicants shall not tamper with the prosecution evidence.

(R.G. AVACHAT, J.)

SSD