

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

BAIL APPLICATION NO.1125 OF 2022

Savita Anil Palve

... APPLICANT

VERSUS

The State of Maharashtra

... RESPONDENT

.....

Mr. A.K. Bhosle, Advocate for applicant

Mr. N.T. Bhagat, A.P.P. for respondent – State, assisted by

Mr. V.R. Dhorde, Advocate for original complainant/ intervener

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CRIMINAL APPLICATION NO.2602 OF 2022

Vishnu Kailas Palve

... APPLICANT

VERSUS

The State of Maharashtra & anr.

... RESPONDENTS

.....

Mr. V.R. Dhorde, Advocate for applicant

Mr. N.T. Bhagat, A.P.P. for respondent No.1 – State

Mr. A.K. Bhosle, Advocate for respondent No.2

.....

CORAM : R. G. AVACHAT, J.

DATE : 5th AUGUST, 2022.

PER COURT :

Criminal Application No.2602/2022 is allowed.

The original complainant is permitted to assist learned A.P.P.

2. Heard. This is an application for bail under
Section 439 of the Code of Criminal Procedure. The applicant

has been arrested in connection with Crime No.0559/2022, registered at Pathardi Police Station, District Ahmednagar for the offence punishable under Sections 143, 147, 148, 149, 212, 302, 307, 326, 324, 323, 337, 504, 506, 120-B read with Section 34 of the Indian Penal Code, Sections 4/25 of the Arms Act and Section 7 of Prevention of Defacement of Property Act, 1995.

3. The F.I.R. has been lodged on 19/6/2022 in relation to the incident that took place the previous day. What can be gathered from the F.I.R. is that, there was an election of the co-operative Society. A panel on the side of the informant got returned in the election. The panel members of the side of applicant's husband were defeated. After elections, results were declared. A celebratory procession was taken through the village. While the members of the procession were proceeding from in front of the house of Anil Palve (husband of the applicant), all the family members of the applicant came out of their house. All of them were armed with axe, sword, stick, wooden logs and knives. They assaulted the members of the procession. The applicant's husband Anil stabbed Ajay. As a result, Ajay died.

4. Learned counsel for the intervener strongly

objected for grant of bail to the applicant. According to him, the stone pelted by the applicant hit the intervener.

5. The averments in the F.I.R. suggest the applicant to have pelted stones at the members of the procession. No further role has been attributed to her. Her criminal liability for offence punishable under Section 302 of the Indian Penal Code is sought to be invoked with the aid of Section 149 of the Code.

6. Considering the role attributed to the present applicant in the alleged crime, she being female, behind the bars since 19/6/2022, I am inclined to grant bail to the applicant. Hence the order :-

ORDER

(i) The Bail Application is allowed.

(ii) The applicant be released on bail in connection with Crime No.0559/2022, registered at Pathardi Police Station, District Ahmednagar for the offence punishable under Sections 143, 147, 148, 149, 212, 302, 307, 326, 324, 323, 337, 504, 506, 120-B read with Section 34 of the Indian Penal Code, Sections 4/25 of the Arms Act and Section 7 of Prevention of Defacement of Property Act, 1995 on her

executing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) with one surety in the like amount.

(iii) The applicant shall not tamper with the prosecution evidence.

**(R. G. AVACHAT)
JUDGE**

fmp/-