

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

**931 BAIL APPLICATION NO.1490 OF 2021
WITH APPLN/3107/2021**

**MANGAL W/O. HUKUMCHAND SALE
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicants : Mr. Bhosle Abhaysinh K.
APP for Respondents/State : Mr. V.S. Badakh
Advocate for Applicant in Appln/3107/21: Ms. Poornima Salve h/f.
S.J. Salunke

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**CORAM : M.G. SEWLIKAR, J.
DATE : 13th January, 2022**

PC.:-

Heard.

2. It is alleged in the FIR that on 27th June, 2021 informant was present in the hotel. At that time applicant and her brothers by the name of Ramsingh Tilwarwale, Shivsingh Tilwarwale and Dinesh Tilwarwale came there. All of them were armed with iron rod and other two were armed with wooden rod. Accused Ramsingh delivered a blow of iron rod on the head of the informant. Thereafter, accused-Ramsingh, Shivsingh, Dinesh and applicant beat the informant. He was caught hold by two persons and thereafter Ramsingh, Shivsingh, Dinesh and applicant-Mangal assaulted the

informant by means of iron rod and wooden rod. Blow of iron rod was given on head. On these allegations FIR came to be lodged on 27th June, 2021 and offence under Section 302, 120-B, 324, 143, 147, 148, 149 came to be registered.

3. Learned counsel Shri Bhosle invited attention of this Court to the statement of informant recorded under Section 164 of the Cr.P.C. in which name of the applicant does not figure. He submits that there is no other eye witnesses to show complicity of the applicant in the alleged offence.

4. Learned APP Shri Badakh and Ms. Poornima Salve h/f. Shri S.J. Salunke submit that role of the applicant is equally serious. FIR clearly shows that she was also one of the assailants. They, therefore, pray for rejection of the application.

5. Charge-sheet is filed. On perusal of the charge-sheet, it is seen that in the statement recorded under Section 164 of the Cr.P.C. the informant did not name the applicant. Therefore, her presence at the spot becomes doubtful. Learned APP Shri Badakh also agrees that there is no eye witness giving the details of the incident. Since the charge-sheet is filed and as there is no extra ordinary circumstance to deny bail to the accused, I am inclined to release the applicant on bail. She does not have criminal antecedents. She

will be available for trial. In this view of the matter, the following order is passed:

ORDER

- I) Application is allowed.
- II) Applicant be released on PR bond of Rs.30,000/- with one solvent surety in the like amount, in connection with Crime No.290 of 2021 under Section 302, 120-B, 324, 143, 147, 148, 149 with Jalna Taluka Police Station, District Jalna on condition that she shall not tamper the prosecution evidence.
- III) Application for assist to APP is also disposed of.

[M.G. SEWLIKAR, J.]