

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

926 ANTICIPATORY BAIL APPLICATION NO.1590 OF 2021

MINA W/O MUKTIRAM GHADGE

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. P.P. More, Advocate for the applicant

Mrs. V.N. Patil-Jadhav, APP for the respondent

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 21st JANUARY, 2022

PER COURT :

1 Present applicant is apprehending her arrest in connection with Crime No.525/2021 dated 30.11.2021 registered with Partur Police Station, Dist. Jalna, for the offence punishable under Section 306, 324, 504, 143, 147, 148, 149 of the Indian Penal Code, 1860.

2 Heard learned Advocate Mr. P.P. More for the applicant and learned APP Mrs. V.N. Patil-Jadhav for the respondent. In order to cut short it can be said that they have argued in support of their respective contentions.

3 First Information Report has been lodged by one Sapna Dipak

Ghadge which appears to have been recorded on 27.11.2021, however, the offence appears to have been registered on 30.11.2021. It has been contended that there was dispute between her husband and the family of the applicant in respect of land since about three years prior to the First Information Report and even a civil litigation was pending with the Partur Court. On 26.11.2021 informant along with her husband came out of the house at about 9.00 a.m. and her husband stopped at one shed near Anganwadi and informant went ahead in the field. In the field the brother-in-law of the informant was doing work and after sometime he received phone from husband of the informant stating that in all six persons have come with sticks and he is being assaulted by Muktiram Ghadge i.e. father of the present applicant. Brother-in-law of the informant went to the spot and it was found that the present applicant and co-accused were removing the shed and husband of the informant was asking them not to remove it, but then the husband was assaulted. As those persons were not listening to the request, the husband of the informant uttered that there is no alternative but to die and, therefore, he poured diesel from a can, which was there in the shed, on his person and ablazed himself. After the flames were extinguished, the brother-in-law of the informant took him to Government Hospital, Jalna and thereafter the husband of the informant was shifted to Government Hospital and Training Institute, Aurangabad (GHATI). However, he expired at about

6.30 p.m. on the same day. It is then stated that due to the harassment given to Dipak-husband of the informant he has committed suicide.

4 Perusal of the above said contents of the First Information Report no specific role appears to be allotted to the present applicant. Mere presence will not amount to abetment. It is also to be noted that the applicant appears to be the only lady amongst the co-accused and there were about 5 male co-accused. Under such circumstance, it is hard to believe that the lady would have assaulted Dipak with stick when the alleged male co-accused are stated to have assaulted him with stick. The police papers would show only the provisional Postmortem report, however, the inquest panchnama makes a mention that Dipak had received 90 to 95% burns. Under such circumstance, it would be hard to note as to whether there were marks of assault by stick on the person of Dipak. Statements of witnesses show the presence of applicant and then it is stated that one Arjun Yewle was holding spade handle, Parmeshwar Yewle was holding crowbar. Eye witnesses have not stated that the present applicant was holding any stick. Statement of the brother-in-law of the informant i.e. real brother of deceased Dipak, who according to the informant went to the spot after the phone was received from the deceased also states about the presence of the present applicant and he does not say that the applicant was holding stick. In view of

this evidence, that has been collected, the interim protection granted by this Court on 22.12.2021 deserves to be confirmed. Hence, following order.

ORDER

1 Application stands allowed.

2 The ad-interim protection, granted by this Court earlier to applicant vide order dated 22.12.2021, is hereby confirmed and made absolute. In other words, if the applicant is not formally arrested, in the event of arrest of the applicant viz. Mina w/o Muktiram Ghadge, in connection with Crime No.525/2021 dated 30.11.2021 registered with Partur Police Station, Dist. Jalna, for the offence punishable under Section 306, 324, 504, 143, 147, 148, 149 of the Indian Penal Code, 1860, he be released on P.R. of Rs.25,000/- (Rupees Twenty Five Thousand only) with one or more sureties in the like amount.

3 The applicant shall not indulge in any criminal activity nor she should tamper with the prosecution evidence, in any manner.

4 She should cooperate with the investigation.

(Smt. Vibha Kankanwadi, J.)