

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRI. ANTICIPATORY BAIL APPLICATION NO. 430 OF 2022

Swati Dinesh Patil

..Applicant

Vs.

The State of Maharashtra

..Respondent

Mr. Prashant M. Patil, for the Applicant.

Mr. A. R. Kapadnis, APP for the Respondent / State.

CORAM : C.V. BHADANG, J.

DATE : 18 FEBRUARY 2022

P.C.

. The Applicant, apprehending arrest, in connection with investigation of Crime No.371/2021 of Police Station Bhudargad, District Kolhapur, under Section 307, 329, 452, 324, 143, 147, 148, 149 and 506 of IPC, is seeking anticipatory bail.

2. The aforesaid crime is registered on the basis of the complaint dated 21 December 2021 lodged by Sayaji Rangrao Patil who is brother-in-law of the Applicant. It appears that there is a dispute between the family of the Applicant and that of Sayaji Patil in respect of some ancestral land. The incident happened in the night

on 21 December 2021, at about 1.00 a.m. in which the first informant claims that the co-accused Shubham, who is son of the Applicant, with the assistance of his parents and one other associate had assaulted the informant and his wife.

3. With the assistance of the learned counsel for the parties, I have gone through the FIR.

4. In so far as the present Applicant is concerned, the only allegation is that she came subsequently and had assaulted the informant by fist and kick blows. It further appears that there is a counter complaint lodged by Dinesh Patil who is husband of the Applicant against the first informant and others which is prior in point of time to that of the FIR against the Applicant. Dinesh Patil has also alleged an assault on him as well as his son and the Applicant who were also stated to be injured in the incident.

5. The learned counsel for the Applicant submitted that the Applicant has been falsely implicated on account of the property dispute and in any event, there is no assault attributed to the Applicant which would attract Section 307 of IPC.

6. Learned APP submitted that offence is serious and there is a common intention between the parties.

7. I have considered the submissions made. At least, *prima facie*, it appears that the Applicant had allegedly gone to the spot subsequently and the only allegation is that she had assaulted the informant with fist and kick blows. Except this, there is no overtact attributed to her or use of any weapon. It also appears that there is counter FIR registered against each other.

8. Considering the over all circumstances, the following order is passed.

ORDER

(i) In the event of her arrest, in connection with investigation of Crime No.371/2021 of Police Station Bhudargad, District Kolhapur, the Applicant be released on bail on executing a P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties, in the like amount.

(ii) The Applicant shall report to the Investigating Officer on 21/2/2022 and 22/2/2022 between 11.00 a.m. to 1.00 p.m. and as and when required and shall cooperate with the Investigating Agency.

(iii) The Applicant shall not indulge into similar incident and shall keep peace.

(iv) The Criminal Application is disposed of, in the aforesaid terms.

C.V. BHADANG, J.