

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 582 OF 2022

Kaushalyabai Harilal Yadav	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

...

Mr. Yogesh Birajdar i/b Rahul Waghmare for the applicant.
Mr. Ajay Patil, APP for the State.

CORAM: BHARATI DANGRE, J.

DATED : 8th MARCH, 2022

P.C:-

1 The applicant is apprehending her arrest in C.R.No. I-550 of 2020 registered with Waliv police station by invoking Sections 307, 323, 324, 341, 504, 506 read with Section 34 of the IPC.

Perusal of the FIR would reveal that the same came to be registered on the complaint filed by Miraj Singh, who state that he received a phone call on his mobile from his friend Salim, and pursuant to which he approached Nallasopara station. At the relevant time, a common friend Ajay Tiwari and Salim's wife Shehanaz were also accompanying him. This Salim is having previous enmity with Aakash Yadav and Salim informed the complainant that a little while ago, while they were waiting for

the vehicle, the accused Aakash Yadav had passed from the spot of his Innova car. At that very time, one Innova car passed them and a signal was given to stop it, since Salim was unaware that this is the same car driven by Aakash Yadav. The car stopped and Aakash Yadav abused Salim and threatened him with dire consequences. At 8.30 p.m, when Salim and the complainant reached Dhanivbagh Square, it is alleged that Aakash Yadav who was accompanied by other three accused persons, who were armed with iron rod and sticks, started assaulting them. Accused Akash Yadav is alleged to have assaulted Salim on his head by means of iron rod, whereas Golu Pandey and Pavan Pandey assaulted Ajay Tiwari by means of a bamboo and iron sticks. The wife of Aakash Yadav is alleged to have given a blow of stick on the head of the informant. Salim and Ajay sustained grievous injuries in the incident and this resulted in registration of the FIR.

The statement of the complainant vaguely make a reference to Aakash's mother, but pertinent to note that the proforma FIR only contain name of four accused persons and the name of the present applicant is missing. However, when the statement of the injured Salim, recorded on 26/6/2020 is perused, while narrating the incident, he make reference to the present applicant by referring to her as Kaushi Yadav, Akash Yadav's mother, who strangulated him by her dupatta and thereupon, Akash Yadav's wife Arti assaulted him by rear side of a spade.

2 The injury certificate of Salim refer to multiple CLW over scalp and there is a specific reference to the 'Oedema as well as bilateral adrenal hemorrhage. The three injuries are noticed over the temporal parietal region. Except the injured who has attributed to a limited role to the present applicant and particularly, since the complainant or any other witness has not attributed any role to her in the incident of assault, in my considered opinion, by recording *prima facie* case in her favour, she deserve her release on bail subject to the stipulation that she will co-operate with the investigation. As far as her participation in the entire incident is ultimately a matter of trial and she may be required to take the consequences since the presence on the spot is established through the injured himself.

Observations made above are prima facie in nature and limited for the purpose of this Bail Application. Hence, the following order.

ORDER

- (a) In the event of his arrest, the Applicant – Smt.Kaushalyabai Harilal Yadav in connection with C.R.No.I-550/2020 registered with Waliv police station shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.

- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade her from disclosing the facts to Court or any Police Officer and should not tamper with evidence.
 - (c) The Applicant shall report to the concerned police station on every Thursday between 10.00 a.m to 2.00 p.m for a period of four weeks and thereafter as and when directed.
- 3 The Application is allowed in the aforestated terms.

SMT. BHARATI DANGRE, J