

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

CRIMINAL APPEAL NO.417 OF 2022

Mayadevi Maruti Borkar Appellant
Versus
The State of Maharashtra & Anr. Respondents

Mr.Umesh R. Mankapure, Advocate for the Appellant.
Smt. M.R. Tidke, APP for the Respondent No.1-State.
Mr. Shailesh Kharat, Advocate (appointed) for Respondent
No.2.

CORAM : SARANG V. KOTWAL, J.

DATE : 19th OCTOBER, 2022

P.C. :

1. The appellant has challenged the order dated 15.4.2022 passed by the Additional Sessions Judge-2, Pandharpur in Criminal M.A. No.179/2022 whereby the appellant's anticipatory bail was rejected.

2. Heard Shri Umesh Mankapure, learned counsel for the appellant, Smt. M.R. Tidke, learned APP for the respondent No.1-State and Shri Shailesh Kharat, learned appointed counsel for the respondent No.2.

3. The appellant is seeking anticipatory bail in connection with C.R. No.230/2022 registered at Sangola police station, District-Solapur on 2.3.2022 under Sections 354, 323, 504, 506, 452 read with 34 of the Indian Penal Code and under Sections 3(1)(r)(s)(w-i)(w-ii) and 3(2)(va) the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'Atrocities Act').

4. In the FIR, the first informant has stated that her family was working with the appellant's husband. Informant's family is residing in the appellant's husband's room in their agricultural land. The informant belongs to a Scheduled Caste. On 1.3.2022 at about 10.00 a.m. the appellant's husband came to the room and pushed her. It is alleged thus committed the offence of outraging modesty. The informant shouted. The appellant came there. She also assaulted her with kick and fist blows. In the meantime, the informant's father came there to intervene. It is alleged that the appellant then pushed him. On this basis, the FIR is lodged.

5. Learned counsel for the appellant submitted that the incident is improbable and there are no allegations against the appellant attracting the provisions of Atrocities Act and, therefore, the appellant be protected. She is a lady.

6. Learned counsel for the respondent No.2 as well as learned APP opposed this appeal. Learned APP produced the investigating papers before me which include injury certificate of the informant's father as well as his statement.

7. I have considered all these submissions. The informant's father has not suffered any injury. There was no physical injury mentioned in the certificate. The role attributed to the appellant is absolutely minor. She is supposed to have assaulted the informant with kick and fist blows and she is supposed to have pushed the informant's father.

8. The role attributed to the appellant is absolutely minor. No offence under the Atrocities Act is made out against the appellant. The appellant's custodial

interrogation is not necessary and, therefore, she can be protected by an order of anticipatory bail. Hence the following order :

:: O R D E R ::

- i. The appeal is allowed.
- ii. In the event of her arrest in connection with C.R. No.230/2022 registered at Sangola Police Station, District-Solapur, the appellant is directed to be released on bail on her furnishing PR. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- iii. Criminal Appeal is disposed of accordingly.

(SARANG V. KOTWAL, J.)

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by: PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date:
2022.10.21
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Deshmane (PS)