

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.3152 OF 2021

Rambha Bai Ramchandra Salve ...Applicant

Vs.

The State of Maharashtra & Anr. ... Respondents

Mr.S.T. Pandey a/w Mr.Arvind Singh, Ms.Angela Singha,
Ms.Ramsha Khatib and Ms.Bharati Bhosale i/b SBG Law for the
Applicant.

Mr.M.R. Tidke, APP for the Respondent-State.

CORAM : C.V. BHADANG, J.

DATE : 30 MARCH 2022

P.C.

. The Applicant, apprehending arrest, in connection with the investigation of Crime No.53 of 2021 registered with Nashik Road Police Station, Nashik, under Section 302, 326, 504, 506, 143, 147, 148, 149 of Indian Penal Code and Section 135 of the Maharashtra Police Act, is seeking anticipatory bail.

2. The aforesaid Crime is registered on the basis of the complaint lodged by Sandeep @ Sunny Bhaskar Salve. According to the informant on 15 February 2021 at about 21.30 hours, near the house of the informant at Naigaon Road, Shindegaon, Nashik, the Applicant and the co-accused had formed an

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unlawful assembly with the object of the assaulting the deceased Bhaskar Salve. In furtherance of the common object the Applicant and the co-accused are alleged to have assaulted the deceased by kick and fist blows including on his private part resulting into his death.

3. I have heard the learned counsel for the parties. Perused record.

4. It is submitted by the learned counsel for the Applicant that the Applicant has no role in the matter and she has been falsely implicated on previous enmity. It is submitted that there was a cross complaint in respect of the said incident, in which offence is registered against the Complainant and others in Crime No.54 of 2021 under Section 337, 324, 504, 506, 143, 147, 148, 149 of Indian Penal Code and Section 135 of the Bombay Police Act. It is submitted that the Applicant is a lady aged about 58 years suffering from illness and her custodial interrogation is not necessary.

5. The learned Additional Public Prosecutor submitted that the offence is serious in which Bhaskar Salve has lost his life and for the purpose of the investigation the custody of the Applicant is required.

6. I have considered the circumstances and the submissions made. *Prima facie* it can be seen that the informant has named the present applicant in the FIR and there are also statements of eye witnesses namely Sandeep Salve, Milind Salve, Sai Salve, Rahul Salve, Rupali Salve, Vicky Shinde, Purnima Salve, Suman Bhaskar Salve and Sonali Gaikwad. The Applicant is an accused in a capital offence. Some of the accused who are released on bail were arrested and they are released on regular bail.

7. At this stage considering the overall circumstances, I do not find a case for grant of pre arrest bail is made out. The Criminal Application is accordingly stands rejected.

8. It is made clear that the observations herein are only for the purpose of deciding the Application for pre arrest bail and learned Sessions Court shall not be influenced by the same at any subsequent stage, of consideration of the Application for regular bail, if any.

C.V. BHADANG, J.