

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1624 OF 2022

Kerabai Rama Kamble & Others

...Applicants

Versus

The State Of Maharashtra And Another

...Respondents

Mr. S.G. Kawade, Advocate for the applicants.

Mr. A.V. Deshmukh, APP for respondents.

Mr. K.R. Doke, Advocate for informant.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 5th JANUARY, 2023

ORDER :

1. The applicants apprehend arrest in Crime No. 242/2022, registered with Bhoom Police Station, Osmanabad, under sections 307, 143, 145, 147, 148, 149 of the Indian Penal Code.

2. Suvarna Kamble, a practicing advocate lodged FIR against 11 accused persons including the present applicants, alleging that accused Sachin assaulted the mother of informant with axe. Thereafter, when her mother fell down, all other accused persons assaulted her with sticks and sickle. As per the narration in the FIR, applicant Kerabai, Shital and Archana were

carrying sickle and applicant Rohini and Alka were carrying stones. Other accused persons assaulted with sticks and stone. Some of the persons who came to intervene were also assaulted by accused persons and they received injuries by sticks, stone and chopper. Informant was threatened not to accept cases against accused persons.

3. Heard the learned advocate for the applicant and learned Additional Public Prosecutor for respondents and learned advocate for informant. Perused the investigation papers.

4. On going through the investigation papers, it prima facie appears that entire family is implicated in by the informant in the alleged offence. Injury certificates of mother of informant and other injured persons show simple injuries. Mother of informant has suffered one CLW on right parietal area, which is a simple injury. Injured Mahadev has suffered abrasion on ring finger of right hand and Baban has suffered contusion on left arm and below right scapula, which are simple in nature.

5. Thus, prima facie injury certificates do not support the allegations made in the FIR. If the assault was made by all the accused persons with the weapons as alleged in the FIR, the

injured persons would have suffered number of serious injuries.

6. Two accused persons named in the FIR are arrested and chopper and sticks are recovered from them. The applicants are women and applicants No. 2 and 4 are having suckling babies. Nothing is to be recovered from the applicants. Pre-trial custodial detention of the applicants is therefore not warranted in the facts of the present case. The applicants were granted interim protection and directed to attend the concerned police station. The applicants attended the concerned police station and have co-operated in the investigation. In the light of these facts, the applicants deserve protection.

7. The application is allowed in terms of interim order dated 1st December, 2022.

8. Till filing of charge sheet, the applicants shall attend the concerned police station as and when called by the investigating officer and shall co-operate in the investigation. The applicants shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]