



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1897 OF 2023

Priyanka d/o Ravindra Kamble

Applicant

Versus

The State of Maharashtra

Respondent

Mr. M. V. Thorat, Advocate for the applicant.

Mr. M. K. Goyanka, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 11th DECEMBER, 2023.

PER COURT :

1. Applicant, a girl aged about 18 years, apprehends arrest in connection with Crime No. 0154/2023, registered with Osmanpura Police Station, Aurangabad, District Aurangabad for the offences punishable under Sections 302, 324, 323, 504, 143, 146, 147, 148, 149 of Indian Penal Code.

2. Rajesh gave report to the police about the incident occurred on 12th August, 2023 at around 12.45 pm. He met his son Ajinkya while he was in injured condition. When he questioned him about the said injuries, he claims to have stated that accused including present application caused assault on him.

3. Learned counsel for applicant submits that the incident has allegedly occurred on 12th August, 2023 whereas report is lodged on 15th August, 2023. According to him, charge-sheet is filed and evidence collected during investigation shows that complicity of the applicant is not found in the crime. He submitted that he places reliance on statement of Amol who has witnessed the said incident wherein he does not claim any role being played by the present applicant in the incident of assault.

4. Learned APP opposed the application by citing seriousness of the crime. According to him, PM notes clearly indicate that multiple injuries were caused to the deceased which shows that it is a case of murder. He also sought to place reliance on statement of mother of deceased who had noted the presence of applicant at the spot. He also drew attention of the Court to the transcript of video in which statement of deceased was recorded when he was injured.

5. Perusal of record indicates that the incident in question has occurred spontaneously without there being any previous history of any dispute between the parties. Statement of Amol indicates to

that effect. He is the eye-witness of the incident and he does not claim involvement of applicant in causing said assault. Though statement of mother of deceased is recorded, admittedly, she has not witnessed the incident in question. The transcript of video recorded of the injured/deceased also does not show any overt act being alleged against the applicant. Applicant is a girl aged about 18 years. Hence, it is a fit case to grant anticipatory bail in her favour. Hence, the following order :-

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest of applicant in connection with Crime No. 0154/2023, registered with Osmanpura Police Station, Aurangabad, District Aurangabad, for the offences punishable under Sections 302, 324, 323, 504, 143, 146, 147, 148, 149 of the Indian Penal Code, she be released on bail on furnishing PR Bond of Rs. 15,000/- (Rs. Fifteen Thousand only) with one surety in the like amount.
- (iii) She shall attend the concerned police station once in a week.
- (iv) She shall not contact the witnesses directly or indirectly.

(v) She shall not interfere with the evidence in any manner whatsoever.

(vi) She is further directed to cooperate the investigating agency for further investigation.

(vii) Learned APP to communicate this order to the concerned police station.

(R. M. JOSHI)
Judge

dyb