



{1}

942 sr.no..odt

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 2252 OF 2023

SHOBHA DNYANESHWAR SURADKAR AND ANOTHER

....Applicant

VERSUS

THE STATE OF MAHARASHTRA

.....Respondent

.....
Advocate for Applicant : Mr. P.P. MORE
APP for Respondents: Mr. S.A. Gaikwad.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 22nd DECEMBER, 2023

ORDER :-

1. The applicant seeks regular bail in connection with Crime No. 0257 of 2023 dated 6.11.2023 registered with Police Station Paradh, District Jalna for the offences punishable under Sections 302, 307, 294, 323, 143, 147, 149, 504, 506 of IPC.

2. The investigation was set in motion on the basis of information given by one Sayyad Nadim Bashir, who alleges that on 5.11.2022, there was some altercation between his family members and family of the applicant on account of lighting fire crackers on public road. It is alleged that during scuffle the accused Sonu Suradkar gave a blow of axe on his head. Similarly, accused Kailash Suradkar hit iron rod on the head of his brother Jamir. Accused Nana Suradkar also raised assault against Jamir by iron rod. It is further alleged that other accused persons including the present applicant assaulted the victim and his maternal cousin Shahrukh by fist and kick blows. On the basis of the said information Crime No. 257 of 2023 came to be registered against the applicant and others. The applicants have been arrested on 6.11.2023. Since then they are behind bars. Their plea for grant

of bail has been rejected by the Additional Sessions Judge, Jalna vide order dated 22.11.2023. Hence, this application.

3. Mr. P.P. More, the learned advocate for the applicant vehemently submits that in fact, the applicants have not participated in the scuffle as alleged but falsely implicated. They are behind bars for more than 6 weeks. Their detention is unnecessary.

3. Learned APP, however, submits that the presence of the applicants is specifically marked in the FIR. The applicants are stated to have actively participated in the commission of offence with main assailants. The brother of the informant, namely, Jamir, died due to head injury. Therefore, the role of the applicants cannot be segregated at this stage.

4. Having considered the submissions advanced, apparently, in an unfortunate incident, families who are residing in the same locality, indulged into quarrel on the count of lighting fire crackers. The victim Jamir lost his life. From contents of the FIR, it appears that accused Kailas Suradkar and Nana Suradkar were assailants who have inflicted blow of iron rod on the head of the victim Jamir. The applicants who are ladies attributed role in assault on Shahrukh by fists and kick blows. Injury certificate of Shahrukh depict that he suffered *Contused Lacerated Wound with swelling*. Another injury suffered appears to be grievous injury. However, the role of the applicants is omnibus without any particulars. The applicants are not alleged to have used any weapon in commission of offence. In that view of the matter, further detention of the applicants would not be necessary. The investigation papers shows that it is substantially progressed. Hence, a case is made out for grant of bail.

: O R D E R :

- (I) The application is allowed.
- (ii) Applicants (1) Shobha Dnyaneshwar Suradkar and (2) Alka Pandit Nikalje, be released on bail on furnishing P.B. and S.B. of Rs. 50,000/- (rupees

fifty thousand) with one solvent surety of the like amount, in connection with Crime No. 0257 of 2023 dated 6.11.2023 registered with Police Station Paradh, District Jalna for the offences punishable under Sections 302, 307, 294, 323, 143, 147, 149, 504, 506 of IPC. , on the following conditions :-

- (a) They shall not tamper with the prosecution witnesses.
- (b) They shall attend the police station once in a week i.e. on every Saturday between 10 a.m. and 2.00 p.m. for three months from date of release.
- (iii) The application stands disposed of.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-