

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

ANTICIPATORY BAIL APPLICATION NO.1708 OF 2023

Suman @ Sunita Bibhishan Chavan ...Applicant

Versus

The State of Maharashtra ...Respondent

...

Mr. Ritesh Thobde with Mr. Changdeo for the Applicant.

Mr. S.V. Gavand, APP for the Respondent -State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 27th JUNE, 2023.

P. C. :-

1. The Applicant apprehends her arrest in C.R. No.22 of 2023 registered with Mohol Police Station, District-Solapur, for the offences punishable under Sections 143, 147, 148, 302, 323, 324, 326, 504 and 506 r/w 149 of the IPC.

2. The aforesaid crime was registered pursuant to the FIR lodged by Vishwas Chavan. The FIR prima facie reveals that a suit for partition between the family of the First Informant and the Applicant is pending and that their relations are strained in view of the civil dispute. The facts narrated in the FIR reveal that on 08/01/2023 the co-accused Bibhishan, brother of the deceased went to the house of the deceased

armed with sticks and stones and that they abused the deceased and the family members. It is alleged that the co-accused-Dnyaneshwar assaulted the deceased with stick, kicks and blows and the other accused assaulted the mother of the First Informant. The only allegation against this Applicant is that she held the mother of the First Informant and that there was a scuffle between her and the mother of the First Informant.

3. The Post mortem report reveals that the deceased had suffered fracture of third, fourth and fifth rib and that the death was caused due to shock and hemorrhage due to blunt trauma to chest. The material on record also prima facie reveals that wife of the deceased had sustained fracture of right wrist and other simple injuries. The material on record does not prima facie indicate that the Applicant herein was armed with a weapon. She was not involved in inflicting any injury on the deceased or on his wife. As noted above, the only allegation against her is that she held the wife of the deceased and that there was scuffle between them.

4. The records reveal that the Applicant had also lodged the FIR against the family of the deceased. The records prima facie reveal

that there was free fight between two groups. Learned APP states that the investigation has been completed and charge-sheet has been filed against the co-accused.

5. Considering the above facts and circumstances, particularly the role attributed to the Applicant, in my considered view this would not be a case for custodial interrogation. Hence, the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in C.R. No.22 of 2023 registered with Mohol Police Station, District-Solapur, the Applicant is ordered to be released on bail on furnishing bail bonds in the sum of Rs.40,000/- with one or two sureties to the like amount;
- (ii) The Applicant shall report to the concerned Investigating Officer for a period of two days i.e. on 03/07/2023 and 04/07/2023 between 10.00 a.m. to 1.00 p.m. and thereafter as and when required by the Investigating Officer for the purpose of investigation;

(iii) The Applicant shall not tamper with the prosecution evidence and or influence the witnesses in any manner;

(iv) The Applicant shall keep the Investigating Officer informed of her current address and mobile contact numbers, and /or change of residence or mobile details, if any, from time to time.

6. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)