

PMB

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

ANTICIPATORY BAIL APPLICATION NO.45 OF 2023

YESUBAI RAMESH DESAIKAR AND ORS. ..APPLICANTS

VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Suhas Oak a/w Mr. Vijay Nene a/w Mr. Vinod V. Utekar
for applicants.

Mr. N. B. Patil, APP for State.

Mr. Sharad Zine, PI, Khadakpada Police Station, Kalyan,
District Thane is present.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 7, 2023.

P.C. :

1. Heard learned counsel for the applicants and learned
APP for the State.

2. This is an application for pre-arrest bail in respect of
the offence punishable under Sections 307, 323, 326, 452,
504, 506 read with Section 34 of the Indian Penal Code,
1860 and Sections 4 and 25 of Arms Act, 1959 in
connection with FIR No.505 of 2022 dated 19/12/2022
registered with Khadakpada Police Station, Kalyan, District
Thane.

3. The date of the incident is 18/12/2022 at around 11.00 a.m. It is alleged that there was some dispute over the unauthorized construction which was carried out by the son (Mahendra Desai) of the applicant No.1. The unauthorized construction was being objected to by the complainant. The accused No.1-Mahendra barged inside the house of the complainant and assaulted him on his head by sharp iron like object. So far as the applicants are concerned, the applicant No.1 is the mother of Mahendra, applicant No.2 is his sister and applicant No.3 is his wife. No role is attributed to the applicants except for stating that they were present when the incident took place and they entered the house of the complainant.

4. Considering the role of the applicants and that they are women, they can be granted the facility of anticipatory bail. There are no criminal antecedents reported against the applicants. The accused No.1 is in custody who is the main accused. There are N.Cs. registered against the applicant No.1 by the complainant's side. However, that by itself is not sufficient to deprive the applicant No.1 this facility

considering the role alleged in the present offence. The allegations are mainly against the accused No.1-Mahendra Desaiakar who is in custody.

5. Hence, the following order :-

ORDER

- (a) Application is allowed.
- (b) In the event of arrest in connection with FIR No.505 of 2022 registered with Khadakpada Police Station, Kalyan, District Thane, the applicants-Yesubai Ramesh Desaiakar, Laxmi Alias Pinki Hanuman Mirkute and Aparna Mahendra Desaiakar shall be released on bail on furnishing P.R. Bond to the extent of Rs.15,000/- each with one or more sureties in the like amount.
- (c) The applicants shall report to the concerned police station on 10/01/2023 between 11.00 a.m. and 1.00 p.m. and thereafter as and when called.
- (d) The applicants to co-operate with the Investigating Officer.
- (e) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

(f) The applicants shall furnish the details of their residential addresses and phone numbers to the investigating officer.

6. The Anticipatory Bail Application stands disposed of.

(M. S. KARNIK, J.)