

SA Pathan

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

ANTICIPATORY BAIL APPLICATION NO.1469 OF 2023

Rupali Navnath Dengale & Anr. ... Applicants
V/s.
The State of Maharashtra ... Respondent

Mr. Ramji T. Kotali i/by Mr. Umesh S. Gawali, for the Applicant.

Mrs. Veera Shinde, APP for the State-Respondent.

Mr. Purushottam Trimbakrao Chate, PSI, Pimpri police station.

CORAM : AMIT BORKAR, J.

DATED : JUNE 12, 2023

P.C.:

1. The applicants are seeking pre-arrest bail in connection with C.R.No.466 of 2022 registered with Pimpri police station, Pune for the offences punishable under Sections 307, 323, 143, 147, 148, 149, 109, 114 of the Indian Penal Code, 1860 (for short 'IPC') and under Section 4(25) Arms Act and under Section 37(1), 135 of Maharashtra Police Act.

2. According to prosecution, on 20 April 2023 the applicant and co-accused attacked the informant and his sister. According to the report the applicants assaulted the informant and others by means of wooden log. Co-accused Anant, Navnath assaulted the informant with sickle on her head resulting into grievous injuries to the applicants. The applicant, therefore filed application under

Section 438 of the Code of Criminal Procedure (for short 'Cr.P.C.) before learned Sessions Judge, Pune which was rejected by order dated 11 May 2023. Aggrieved thereby applicants have filed present application.

3. According to applicants there were no grievous injury attributed. Applicants had assaulted the informant by means of wooden sticks. The wooden sticks are already recovered. There are no antecedents to discredit applicants, applicants are being women.

4. Per contra, learned APP submitted that due to assault resulted into fracture on wrist. Apart from assault, they instigated the main assailant. Therefore, custodial interrogation of applicants is necessary.

5. Having perused the case diary and the injury certificates, in my opinion, considering the nature of incident resulting into the lodging of cross F.I.R.'s and considering the fact that the weapon of assault has already been recovered and applicants being women, custodial interrogation of the applicants is not necessary. Hence, following order:

a) In the event of arrest in connection with C.R. No.466 of 2022 registered with Pimpri police station, Pune for the offences punishable under Sections 307, 323, 143, 147, 148, 149, 109, 114 of IPC and under Section 4(25) Arms Act and under Section 37(1), 135 of Maharashtra Police Act, the applicants shall be released on bail on furnishing P.R. bond of Rs.50,000/- each, along with one or two sureties in the like amount.

- b) The applicants shall remain present before the concerned police station on 19th, 21st and 23rd June, 2023 between 11:00 am to 2:00 pm thereafter, as and when called by the investigating officer.
 - c) The applicants shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.
 - d) The applicants shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police.
 - e) The applicants shall, at the time of execution of the bond, furnish their address and mobile number to the investigating officer, and the Court concerned, and shall not change the residence till the final disposal of the case.
6. The Anticipatory Bail Application stands disposed of.

(AMIT BORKAR, J.)