



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2290 OF 2023

1. Smt.Prema Ambadas Naik
 2. Smt.Daya Raghunath Pawar ...Applicants
- vs.
- The State of Maharashtra ...Respondent

Mr.Shailesh Chavan a/w Mr.Anish Sambre–Advocates for Applicant.
Mr.S.R.Agarkar – APP for Respondent – State.
Mr.Ganesh Tarage – PSI – Wada Police Station – Palghar.

CORAM : S. M. MODAK, J.

DATED : 19TH AUGUST 2023

P. C. :

1. Heard learned Advocate Shri.Chavan for the Applicants and learned APP. Officer from Vada Police Station is present.
2. The Applicant is co-accused in an offence bearing C.R. No.197 of 2023 registered at Vada Police Station (Page No.14). Whereas, Applicant No.1 – Prema has filed a complaint with same Police Station on 28th May, 2023 and an offence at C.R. No. 199 of 2023 under Sections 354, 324, 323, 504, 506 of Indian Penal Code, 1860 [“IPC”] came to be registered against in all 4 persons. Whereas, Applicants are seeking an anticipatory bail in C.R. No. 197 of 2023.
3. Both these incidents have taken place on 27th May, 2023 at
Satish Sangar

about 10.30 a.m. According to Applicant No.1 – Prema, her land was attempted to be measured by Kalpesh Pawar and others and notice of measurement was not given. That is why, she has obstructed those 4 persons, abused her, beaten her and pulled her blouse. Whereas, as per the FIR filed by Gurunath Pawar who is brother of one of the injured Suresh Pawar, 9 Accused persons have formed an unlawful assembly and they have beaten Suresh with the help of iron rod, fist and blows. When the First-Informant and her wife tried to intervene, they were also beaten.

4. Learned APP invited my attention to the following facts :-

- (a) The medical certificate issued for the injured Suresh Pawar and of the First-Informant Gurunath. They have received one grievous injury each apart from other minor injuries.
- (b) The son namely Hitesh of this Applicant Prema is absconding and he is having various criminal offences.
- (c) She was very much present and she has shared a common intention. She herself has lodged the complaint.

5. Be that it may, except presence, there is no overt act attributed to these Applicants. There is other side of the story which is reflected in the FIR lodged by Applicant No.1 – Prema. Even though, his son is a wanted Accused, how can we deny her anticipatory bail. She can be put to conditions. So far as Applicant No.2 – Daya is concerned,

except presence, there are no other circumstances. Hence, order :-

O R D E R

- (i) In case of an arrest in connection with C.R. No. 197 of 2023 registered with Wada Police Station : District Palghar for the offences punishable under Sections 143, 147, 148, 149, 307, 504, 506, 323 of IPC, the Applicants (i) Smt.Prema Ambadas Naik and (ii) Smt.Daya Raghunath Pawar be released on furnishing personal bond and surety bond of Rs.25,000/- each.
 - (ii) Applicant No.1 – Prema is directed to give attendance to Wada Police Station on first and third Monday from 10.00 to 12.00 noon until filing of charge-sheet.
 - (iii) Applicant No.2 – Daya to cooperate the Police as and when required.
 - (iv) Applicants not to threaten the Prosecution witnesses or to allure them in any manner.
 - (v) In case of breach of any of the conditions, the bail of the Applicants is liable to be cancelled after notice.
6. These are my *prima facie* observations. Let the learned trial Court need not be influenced by them.
7. Application is disposed of in the aforesaid terms.
8. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]