

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

ANTICIPATORY BAIL APPLICATION NO. 3278 OF 2023

SANTOSH
SUBHASH
KULKARNI

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Date: 2023.11.28
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1. Somaji Maruti Pawar

2. Chaya Babaso Pawar

...Applicants

Versus

State of Maharashtra

...Respondent

Mr. Rahul Kadu, for the Applicants.

Smt. Ashwini Takalkar, APP for the State/Respondent.

CORAM: N. J. JAMADAR, J.

DATED: 28th NOVEMBER, 2023

ORDER:-

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

2. This is an application for pre-arrest bail in connection with CR No.38 of 2023, registered with Supa Police Station, Pune Rural, for the offences punishable under Sections 307, 323, 504 and 506 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").

3. At the outset, the learned Counsel for the applicant, submits that the application of applicant No.1 Mr. Somaji Pawar has been rendered infructuous as applicant No.1 has since been arrested. The learned Counsel thus seeks to

press the application qua applicant No.2 Mrs. Chaya Babaso Pawar.

4. Applicant No.2 is the wife of Babaso Pawar, who has also been arrested. The indictment against the applicant and co-accused is that on 23rd October, 2023 an altercation ensued between the first informant's son Ketan and Babaso over sharing a common well water. Co-accused Somaji Pawar assaulted Ketan by means of a stick. Babaso Pawar assaulted the first informant by means of an iron rod. The applicant Chaya had allegedly threatened to eliminate the family of the first informant and celebrate Dassera.

5. *Prima facie*, the allegations of assault by means of stick and iron rod are attributable to co-accused Somaji Pawar and Babaso Pawar, who have already been arrested. No role of assault, much less by a deadly weapon, has attributed to the applicant. In the backdrop of this nature of the accusation, custodial interrogation of the applicant Chaya does not seem to be warranted to facilitate further investigation. Applicant No.2 is a woman. She seems to have a fixed place of abode. Possibility of fleeing away from justice seems to be remote.

6. I am, therefore, inclined to exercise the discretion in favour of the applicant.

7. Hence the following order:

: O R D E R :

- (i) In the event of arrest of the applicant Chaya Babaso Pawar in CR No.38 of 2023, registered with Supa Police Station, Pune Rural, the applicant be released on bail on furnishing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (ii) The applicant shall cooperate with the investigation and attend Supa Police Station on 4th, 5th and 6th December, 2023 in between 10.00 am. to 1.00 pm.
- (iii) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant or any of the persons acquainted with the facts of the case.
- (iv) It is clarified that these *prima facie* observations are confined to determine entitlement to pre-arrest bail only.

Application stands disposed.

[N. J. JAMADAR, J.]