

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 214 OF 2023

Girja W/o Maroti Raje and Another
 ..VS..

State of Maharashtra through PSO, P.S. Sindhkhed Raja, Dist. Buldhana

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Mr. R.U. Tambe, Advocate for applicants.
 Mr. A.M. Kadukar, Additional Public Prosecutor for
 non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : JUNE 19, 2023

Section 307 is
 inserted as per
 Court order
 dated 26.6.2023
 passed in Cri.
 APPP 960/2023.

Present application under Section 438 of the Code of Criminal Procedure filed by the applicants is for grant of anticipatory bail in connection with Crime No.154/2022 registered with Police Station Sindhkhed Raja, District Buldhana for the offence punishable under Sections 143, 147, 324, 307, 504 and 506 read with Section 149 of the Indian Penal Code.

2. The applicants apprehending their arrest at the hands of the police as crime is registered against them on the basis of report dated 29.06.2022 lodged by Ananda Baburao Raje on an allegations that on 25.06.2022 present applicants along with other co-accused pelted stones when they were in the house. At the relevant time the wife of the informant inquired with them why they are pelting stones, at that time all the accused along with

the present applicants assaulted the informant and his wife by iron road and sticks. The allegations against the present applicant is that they have caught hold their hands and other accused assaulted them. It is further alleged against the applicant No.2 - Dropadabai Anna Raje that she was possessing the chilly powder at the relevant time. On the basis of the said report, police have registered the offence.

3. As per contention of the applicants is that initially they have filed a report against the informant and their other family members and to give counterblast to the said complaint, this false report is filed in fact, they have not concerned with the alleged offence. Now, investigation is practically completed and their custodial interrogation is not required hence, they be protected by granting anticipatory bail.

4. Said application is strongly opposed by the State on the ground that the role attributed by both the applicants is that both applicants have caught hold the hands of the informant and his wife and other accused assaulted them. Thus, entire act of the accused with their common object, their interrogation is required and hence the application be rejected.

5. Having heard both the sides and on perusal of the First Information Report (FIR), it reveals that only allegations against the present applicants is that they

have caught hold the hands of the informant and his wife. It is further alleged that applicant No.2 - Dropadabai Raje was possessing the chilly powder at the relevant time. Even the allegations are taken and it is admittedly no weapon is assigned to them thus, nothing is to be recovered from them. It is apparent that the investigation is practically completed and only for interrogation purpose their physical custody is not required. Considering the role attributed by the applicants, the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass the following order :

- (i) Application is allowed.
- (ii) The applicants – (1) Girja W/o Maroti Raje and (2) Dropadabai W/o Anna Raje are released on anticipatory bail in event of their arrest in respect of Crime No.154/2022 registered with Police Station Sindhkhed Raja, District Buldhana for the offence punishable under Sections 143, 147, 324, 307, 504 and 506 read with Section 149 of the Indian Penal Code on executing PR. bond of Rs.25,000/- each with one solvent surety in the like amount.
- (iii) The applicants shall attend the Police Station Sindhkhed Raja as and when required for investigation purpose.

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- (iv) The applicants shall not induce, threat and pressurize any witness who are connected with the alleged crime.
 - (iv) The applicants shall furnish their cellphone numbers and address with the address proof.
6. The application is disposed of.

CRIMINAL APPLICATION (APPP) NO. 592/2023

In view of disposal of the bail application, this application does not survive and hence it is disposed of.

(URMILA JOSHI-PHALKE, J.)

Kirtak