

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.295 OF 2023

(Durga w/o Gautam Savdekar and ors. Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.M. Tirukh, Advocate for the applicants.
Shri M.J. Khan, APP for State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JULY 05, 2023.

Heard.

2. Present application is for grant of anticipatory bail in the event of arrest in respect of Crime No.85/2023 registered at police station Shegaon Rural, District Buldhana for the offence punishable under Sections 315, 323, 143, 147, 504 and 506 read with Section 149 of the Indian Penal Code.

3. The applicants are the neighbours of the informant at her matrimonial house. They are apprehending arrest at the hands of police as the informant Manisha Sunil Ingale who was residing along with her family members including husband and in-laws, but there was matrimonial dispute between them and she was driven out of the house. On 16/11/2022, her husband took her along with him for cohabitation however, she was assaulted by her husband as well as her in-laws.

4. As per her allegation after hearing the noise, present applicants who are the neighbours also came there and assaulted her by fists and kick blows. On the basis of said report, police have registered the crime against the present applicants.

5. As per the contention of the present applicants, they are the neighbours. They only went at the spot of incident after hearing the noise. They are falsely implicated in the alleged offence on the basis of baseless allegation.

6. Considering the allegations as it is, their physical custody is not required and as far as interrogation is concerned they will abide all the conditions imposed by this Court.

7. Said application is strongly opposed by the State on the ground that these applicants are the neighbours of the victim when she was residing at her matrimonial house. It was none of their business to interfere in the matter and assault the informant. However, they have assaulted her by fists and kick blows. Their physical custody is required and hence bail application deserves to be rejected.

8. Having heard both the sides and on perusal of the FIR as well as investigation papers, the allegation against the present applicants is that they have assaulted

the victim by slaps and fists. Considering the allegation, their physical custody is not required. As far as the interrogation is concerned, some conditions can be imposed on them. Considering the allegation against the present applicants, this is a fit case wherein the applicants can be protected by granting anticipatory bail. Hence I proceed to pass the following order :

(i) The application is allowed.

(ii) The applicants – (1) Durga w/o Gautam Savdekar, (2) Neha w/o Jaipal Savdekar, (3) Bhumika d/o Harish Savdekar, (4) Lata w/o Harish Savdekar and (5) Shalu w/o Rashtrapal Savdekar in the event of arrest in Crime No.85/2023 registered at police station Shegaon Rural, District Buldhana for the offence punishable under Sections 315, 323, 143, 147, 504 and 506 read with Section 149 of the Indian Penal Code, be released on anticipatory bail on executing PR. Bond in the sum of 15,000/- (Rs. Fifteen thousand) each with one surety each in the like amount.

(iii) The applicants shall attend the concerned police station as and when required for the investigation purpose.

(iv) The applicants shall furnish their cell phone number and address along with address proof.

(v) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case and shall not tamper the prosecution evidence.

(URMILA JOSHI-PHALKE, J.)

**Divya*