

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

CRIMINAL APPLICATION (ABA) NO.311 OF 2023

Sahadev s/o Laxman Ingle and another
Vs.

State of Maharashtra through its PSO Police Station, Shegaon Rural, District Buldhana

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

Court's or Judge's orders

Mr. A. M. Tirukh, Advocate for applicants.
Mr. M.J. Khan, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 22/06/2023

1. The present application is filed for grant of anticipatory bail in the event of the arrest in respect of Crime No.85/2013 registered with 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.

2. The applicants are apprehending arrest at the hands of police as Manisha Sunil Ingle who is the daughter-in-law of the applicant No.1 has lodged report that there was husband and wife relationship between her and the son of the applicant No.1, but matrimonial dispute was going on between them and she was driven out of the house. On 16.11.2022, her husband took her along with him for the cohabitation, however she was assaulted by her husband as well as the present

applicants. As per the allegations, applicant No.1 who is father-in-law and applicant No.2 who is sister-in-law pulled her hair and assaulted her by slaps and fists. The neighbours intervened but they are also abused by the present applicants. On the basis of said report, police have registered the offence against the present applicants.

3. As per the contention of the present applicants that applicant No.2 is a married lady and residing in Gujarat. She only came to meet to her old parents but she is implicated on false allegations. The applicant No.1 is a 73 years old man and he is not at all involved in the alleged incident but merely because the father of the co-accused he is implicated in the alleged offence. Considering the allegations as it is, their custodial interrogation is not required and hence they be protected by confirming the anticipatory bail.

4. The said application is strongly opposed by the State on the ground that due to the assault the pregnancy of the informant was terminated an offence is committed under Section 315 for which punishment up to 10 years is provided. It is further contended that the neighbours who have intervened also abused by the present applicants and therefore, their bail application deserves to be rejected.

5. Having heard both the sides and on perusal of the FIR as well as the investigation papers only allegation against the present applicants is that they have pulled the hairs of the informant and assaulted her by slaps and fists. Considering the allegations, this Court has protected the applicants by granting ad-interim anticipatory bail. The medical report is there in which it is stated by the Medical Officer that opinion cannot be given that whether the terminancy of the pregnancy is due to the assault by the co-accused. Considering the allegations as no weapon is used by the present applicants or nothing is to be recovered from them, they can be interrogated by the police even though they are released on anticipatory bail. In view of that, the ad-interim anticipatory bail is granted in favour of the present applicants deserves to be confirmed. Hence, the following order is passed.

(i) Ad-interim anticipatory bail granted to the present applicants is confirmed.

(ii) In the event of arrest the applicant namely (1) Sahadev s/o Laxman Ingle and (2) Vandanaben w/o Daulatrai Nandha is hereby released on anticipatory bail, in respect of Crime No.85/2013 registered with Police Station Shegaon Rural, District Buldhana for the offence punishable under Sections 315, 323, 143, 147, 504, 506 read with Section 149 of the Indian

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Penal Code, on executing PR bond in the sum of Rs. 15,000/- each with solvent surety in the like amount.

(iii) The applicants shall attend Police Station as when required for the investigation purpose.

(iv) The applicants shall not induce, threat or promise any of the witnesses who are connected with the alleged crime.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate