

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

CRIMINAL APPLICATION (ABA) NO.435 OF 2023
Meera W/o Narayan Vakhare Vs. State of Maharashtra

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

Court's or Judge's orders.

Shri R.V.Gahilot, Advocate for applicant.
Shri I.J. Damle, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATE : JULY 27, 2023.

By this application the applicant is seeking anticipatory bail in the event of her arrest in connection with Crime No.135/2023 registered with Police Station, Andhera, District Buldhana for the offence punishable under Section 307, 324, 504, 506 read with Section 34 of the Indian Penal Code.

2. The accusation against the present applicant is that on 15.03.2023 when the informant had been to his agricultural land, at the relevant time, the present applicant alongwith her husband entered into the agricultural land and the informant has asked the present applicant not to cultivate the land. Therefore, there was scuffle between them. In that scuffle, the co-accused assaulted the informant by means of iron rod (handle of *wakhar*) and the other co-accused son of the present applicant had also assaulted to the informant. As far as the present applicant is concerned, only allegation against him is that he gave a blow of fist on the backside of the father of the informant. Due to which, the father of the

informant has sustained injury.

3. As per contention of the applicant, there is a previous dispute between them regarding landed property. The husband of the applicant filed civil suit bearing RCS no.74/2021 and temporary injunction is in favour of the present applicant however they are obstructing peaceful possession. Due to which, the alleged incident has taken place. The present applicant was not at all involved in the alleged offence, however, being a family member she is also implicated in the alleged offence. Her custodial interrogation is not required and hence she be protected by granting anticipatory bail.

4. The said application is strongly opposed by the State on the ground that the stick, which used by the present applicant is to be recovered hence her custodial interrogation is required. The offence is of serious nature and prays for rejection of the application.

5. Heard learned counsel for the applicant. He reiterated the contentions.

6. Learned APP strongly opposed the application on the ground that the custodial interrogation of the present applicant is required.

7. Having heard both the sides and on perusal of the

investigation papers as well as the FIR, from the recitals of the FIR, it reveals that there is previous dispute between the applicant and the informant on the agricultural land. The civil suit is also pending between them, out of which the alleged incident is occurred. As far as custodial interrogation of the present applicant is concerned, which is required only for seizure of stick. The husband of the applicant is already arrested and he is behind bar. The son of the present applicant is already released on bail. Considering the aspect of recovery, some conditions can be imposed on the present applicant for producing the incriminating article and for obtaining her blood sample. Said period can be considered as deemed custody for the purpose of Section 27 of the Indian Evidence Act. In view of that, I proceed to pass the following order :

ORDER

- i. The application is allowed.
- ii. In the event of arrest in Crime No.135/2023 registered with Police Station, Andhera, District Buldhana for the offence punishable under Section 307, 324, 504, 506 read with Section 34 of the Indian Penal Code, 1860 applicant – Meera W/o Narayan Vakhare, be released on anticipatory bail on furnishing P.R. Bond in the sum of ₹25,000/- with one surety of like amount.
- iii. The applicant shall produce the stick and shall make

herself available for obtaining blood sample by appearing before the investigating officer on 31.07.2023 and the said period shall be considered as her deemed custody for the purpose of Section 27 of the Indian Evidence Act.

iv. The applicant shall attend concerned Police Station as and when required for the investigation purpose and shall cooperate in the investigation, till filing of the charge-sheet.

v. The applicant shall furnish his cell phone number and address with address proof.

vi. The applicant shall not tamper prosecution evidence or shall not induce, threaten or pressurize any witness, who are connected with the crime.

With, this the application is disposed of.

JUDGE

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