



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

CRIMINAL APPLICATION (ABA) NO.746 OF 2023

Sarita w/o Laxman Balki and another

Vs.

State of Maharashtra, Through Police Station Officer, Police Station Chandrapur City,
District Chandrapur

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

Court's or Judge's orders

Mr. A. C. Jaltare, Advocate for applicant.

Mr. Deepa Charlewar, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 01/12/2023

1. By this application, the applicants are seeking anticipatory bail in the event of their arrest in connection with Crime No.658/2023 registered with Chandrapur City Police Station, District Chandrapur, for the offences punishable under Section 323 and 326 read with Section 34 of the Indian Penal Code.

2. Heard learned Counsel Mr. Jaltare for the applicants who submitted that the applicants are apprehending arrest at the hands of police as accusation is made against them. On the basis of report lodged by one Sanjay Ganpati Makode on an allegation on 14.10.2023 he had been to his agricultural field and at the relevant time he received a phone call of one Narayan Adbale who informed that there was quarrel at the house of Laxman Balki who was assaulted by his brother-in-law Devendra Awari, father-in-law

Purushottam Awari and present applicant Sarita who is the wife of Laxman and applicant No.2 Suchita who is his sister-in-law. He immediately rushed at the spot and inquired about the incident and he came to know that Laxman was assaulted by his brother-in-law by means of stick and by the present applicants by fist and kick blows.

3. Learned Counsel further submitted that as far as the role of the present applicants are concerned, only allegation against them is that they have assaulted by means of fists and kick blows. The alleged incident had occurred out of the matrimonial dispute. The cross-complaint is also lodged against the Laxman. Considering the same, the applicants are protected by this Court by granting ad-interim protection and prays for confirming the same.

4. Learned APP strongly opposed the application on the ground that present applicants along with the other co-accused assaulted Laxman and he is still under treatment. In view of that, application deserves to be rejected.

5. Having heard learned Counsel for the applicants. Perused the investigation papers. As far as the role of the present applicants is concerned, it is only to the extent of assault by fists and kick blows. Nothing is to be recovered from them. As far as the injuries sustained by the injured are concerned, are not assigned to the present applicants. In view of that, the interim protection granted to the present applicants deserves to

be confirmed. Accordingly, I proceed to pass following order.

ORDER

- (i) The application is allowed.
- (ii) The applicants – **(1) Sarita w/o Laxman Balki** and **(2) Suchita w/o Gajanan Shedame** in the event of arrest in Crime No.658/2023 registered at Police Station Chandrapur City for the offences punishable under Sections 323 and 326 read with Section 34 of the Indian Penal Code, be released on anticipatory bail on executing PR bond in the sum of Rs.20,000/- each with one or two sureties each in the like amount.
- (iii) The applicants shall attend the concerned Police Station as and when required for the investigation purpose and shall cooperate with the investigation agency.
- (iv) The applicants 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.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)