



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

CRIMINAL APPLICATION (BA) NO.1099 OF 2023

(Sou. Sangita Vijay Beriya 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

Mr. S.D. Chande, Advocate for the applicant.
Ms Dhote, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- DECEMBER 20, 2023.

Heard.

2. By this application, the applicant is seeking bail under Section 439 of the Code of Criminal Procedure in connection with Crime No.791/2023, registered with Police Station Washim for the offence punishable under Section 307, 294, 114 read with Section 34 of the Indian Penal Code.

3. The applicant is arrested on 24/10/2023. Since then she is behind bar.

4. As per the allegation against the present applicant that on 23/10/2023 at about 9.30 p.m. celebration of Durgadevi festival was going on. The informant had been there along with his cousins namely Mayur Jagdish Kanoje, Haribhau Gaju Mane and others. At the relevant time co-accused Yash Vijay Beriya asked him that he had paid a contribution of Rs.1000/-

thereafter also he was not called for the dinner and there was a scuffle between them. As per the allegation at that time, present applicant who is the mother of the co-accused handed over to them the weapon and the co-accused assaulted Mayur Jagdish Kanoje and other injured. They have sustained the injuries. On the basis of said report, police have registered the crime against the present applicant and other co-accused.

5. Learned Counsel for the applicant submitted that as far as the present applicant is concerned only allegation against her is that she has handed over the weapon. In fact, the allegation as to assault is not levelled against her. Now, the investigation is completed, though charge-sheet is not filed. Further incarceration of the present applicant is not required and prays for grant of bail.

6. Learned Additional Public Prosecutor strongly opposed the application and submitted that though the investigation is completed but considering the role of the present applicant that she has provided the weapon to the co-accused and thereafter co-accused assaulted the injured and in the said incident there are four persons i.e. Hari Mane, Mayur Kanoje, Vir Kanoje and Rahul Bamman have received the injuries and prays for rejection of the application.

7. Having heard the learned Counsel for the applicant and learned Additional Public Prosecutor for the State. Perused the investigation papers. As far as the allegation is concerned, it is alleged that the present applicant has provided the weapon to the co-accused and thereafter they have assaulted the injured. Admittedly, four injured have sustained the injuries, but the injuries are in the nature of lacerated wound. Now the injured are already discharged from the hospital. As per the reply filed by the State, investigation is almost completed.

8. Considering the fact that the role of the assault is not attributed to the present applicant. The injured are already discharged from the hospital. Investigation is practically completed. Further incarceration of the present applicant is not required. Hence, the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass the following order :

(i) The application is allowed.

(ii) The applicant – Sou. Sangita Vijay Beriya in connection with Crime No.791/2023, registered with Police Station Washim for the offence punishable under Section 307, 294, 114 read with Section 34 of the Indian Penal Code, be released on bail on furnishing P.R. Bond in the sum of

Rs.25,000/- with one surety in the like amount.

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

9. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*