



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

948 ANTICIPATORY BAIL APPLICATION NO. 628 OF 2024

Mrs. Tejashree Balasaheb Jagtap-Gaikwad

VERSUS

The State of Maharashtra and another

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Advocate for Applicant : Mr. Sattyajeet S. Karale Patil

APP for Respondents: Mrs. V.S. Chaudhari

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CORAM : SHIVKUMAR DIGE, J.
DATED : 1st AUGUST, 2024.

PER COURT :-

1. The applicant apprehends arrest in connection with crime No. 1717 of 2023 registered with Tophkhana Police Station, district Ahmednagar, for the offences punishable under Sections 326, 323, 141, 143, 147, 149, 504 and 506 of the Indian Penal Code.

2. It is the prosecution's case that on 9.2.2023 at about 7.45 p.m. when the informant went to Hotel Rajveer alongwith his friend and waiting to receive the parcel of his order, it is alleged that the applicant and co-accused came there and beat him mercilessly with iron rod. It is alleged that the applicant provoked the co-accused to kill the informant. In the said assault the informant had sustained grievous injuries.

3. It is the contention of the learned counsel for the applicant that the allegations against the applicant are that she instigated co-accused to kill the informant. The applicant has been falsely implicated in this case only with a view to involve her in the said crime. No specific role is attributed to the applicant. Considering the allegations against the applicant, her custodial interrogation is not required and requested to allow the application.

4. It is the contention of the learned APP that the applicant was part of group who assaulted the informant with iron rod. The applicant provoked to co-accused to assault the informant. Due to assault the informant has sustained grievous injury. Considering the allegations against the applicant, her custodial interrogation is required and requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and the police papers produced on record. The allegations against the applicant are that she instigated the co-accused to assault the informant. From perusal of the F.I.R., it appears that co-accused had already started to assault the informant and thereafter it is mentioned that the applicant had provoked them. Considering the allegations against the applicant, her custodial interrogation is not required and I pass the following order :-

ORDER

- (i) The application is allowed.

- (ii) The interim anticipatory bail granted to the applicant vide order dated 22.04.2024 stands confirmed on the same terms and conditions.

(SHIVKUMAR DIGE, J.)

rlj/