



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1 ANTICIPATORY BAIL APPLICATION NO. 923 OF 2024
WITH
CRIMINAL APPLICATION NO. 2522 OF 2024
IN ABA/923/2024

(I) USHA W/O GANESH CHAVAN
(II) KAVITA W/O. SHIVAJI SHINDE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Bilolkar Upendra Bapurao

APP for Respondents: Mr. A.M. Phule

Advocate for applicant in Cri.A.No. 2522/2024 : Mr. B.N. Gadegaonkar

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CORAM : KISHORE C. SANT, J.

Dated : July 22, 2024

PER COURT :-

1. Criminal Application No. 2522/2024 filed for assisting the learned APP is allowed. Mr. Gadegaonkar, learned advocate is permitted to assist the APP. Application is disposed of accordingly.

2. Heard the parties in ABA No. 923/2024, filed in vacation for anticipatory bail. The first order was passed on 6.6.2024 by this Court and therefore, now the matter is placed before this Court. By way of this application, the applicants are seeking their release on bail in the event of their arrest in connection with FIR No. 93/2024 registered with Naigaon Police Station (Bz.), Tq. Naigaon, District Nanded dated 16.4.2024 for the offence punishable under sections 307, 326, 323, 504, 506 r/w. 34 of Indian Penal Code.

3. From the FIR, it is seen that the names of both these applicants are

mentioned though the FIR was lodged by the person who was present at the time of alleged incident. The statements implicating these two applicants came to be recorded by the police. Such statements are of Madhav Chavan, Ganesh Chavan and Yogesh Chavan. If their statements are perused, they have stated the role of these applicants that applicant No. 1 instigated the incident and thereafter, both these applicants did not allow the injured Ganesh to be taken to the hospital. Injured Ganesh was assaulted by *Katti* (कत्ती) by Shivaji Shinde in which his intestine came out. In the FIR, allegations are against Shivaji Shinde and his two sons namely Munna and Shrinivas. It is informed that Munna and Shrinivas are released on regular bail. Looking to the incident, it does appear that it is a serious incident. The role of these two ladies is clearly mentioned.

4. The learned APP points out the role alleged against these two applicants. On asking he submits that the investigation is almost on the verge of completion, however, the chargesheet is not yet filed. Both the learned APP as well as Mr. B.N. Godegaonkar, learned advocate, assisting APP vehemently opposed this application, stating that the allegations are serious, clear role is attributed to both these ladies. The main dispute started because of the strained relations between Usha and her husband Ganesh. It is not only that Usha instigated the incident, but she even did not allow the injured to be taken to the hospital. This clearly shows her involvement in the incident and her intentions. The learned APP submits that personal interrogation of these applicants is very much necessary to know the chronology of the facts and genesis of the incident. Therefore, he submits that they are not entitled to any protection from this Court.

5. This Court by order dated 6.6.2024 had granted interim protection. It is submitted that both the applicants have attended the police station as and when called by the Investigating Officer. There is no breach of conditions by these applicants imposed by this Court. Since the role attributed is serious and during the course of argument, it was submitted by the learned APP and Mr. Godegaonkar, appearing for the informant that they are even not allowing the informant and his family members to cultivate their agricultural land, therefore, some stringent conditions are required to be imposed on the applicants, if they are released on bail.

6. Since, there is already protection, this Court finds that as there is no complaint of breach of conditions, this Court is inclined to allow the application on certain conditions. Hence, the following order.

ORDER

(i) In the event of arrest of the applicant No. (1) Usha w/o. Ganesh Chavan and applicant No. (2) Kavita w/o. Shivaji Shinde in connection with FIR No. 93/2024 registered with Naigaon Police Station, District Nanded dated 16.4.2024 for the offences punishable under sections 307, 326, 323, 504, 506 r/w. 34 of Indian Penal Code, they shall be released on bail on furnishing PR bond and solvent surety in the sum of Rs.15,000/- each.

(ii) The applicants shall attend the concerned police station as and when called by the Investigating Officer for the purpose of interrogation.

(iii) Except for attending the police station and for attending the Court proceedings, the applicants shall not enter the jurisdiction of Naigaon Police Station till the trial is over. They shall not try to contact the prosecution

witness and shall not tamper with the prosecution evidence. With these, ABA No. 923/2024 stands allowed and disposed of accordingly.

(KISHORE C. SANT, J.)

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