



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1566 OF 2023

1. Sunita Ashok Kale
2. Anita Mayur Kale
3. Bijabai Kirkan Kale
4. Kirkan Dinya Kale ... Applicants

VERSUS

The State Of Maharashtra ... Respondent

.....
Mr. N.R. Thorat, Advocate for Applicant
Mr. A.R. Kale, APP for Respondent – State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 12th MARCH, 2024

ORDER :

1. Applicants apprehend arrest in Crime No.519 of 2023 registered with Karjat Police Station, District Ahmednagar for offences punishable under sections 307, 327, 504, 506 read with section 34 of the Indian Penal Code.

2. FIR is lodged by Ganesh Khandu Bhitade alleging that on 10.08.2023 at about 7.00 p.m. he was going to the ATM of Maharashtra Bank for withdrawing the amount. On the way, he parked motorcycle on the roadside for urination to the corner of Shiv-Parvati complex behind old Nagar Panchayat. While he was urinating, somebody gave an iron rod blow on his head from behind. When he looked back, he saw Anita Mayur Kale was having iron rod in her hand and Sunita Kale,

Bijabai Kale, Kiran Kale came there. Sunita Kale pressed his neck with the help of cable wire and tried to kill him. Anita Kale snatched his three tolas gold chain and gold badam weighing 5 gms. from his person. After hearing shouts, Somnath Tambare and Popat Dhumal arrived there and they have saved him from assailants.

3. Heard learned advocate for applicant and learned APP for respondent-State. Perused the investigation papers.

4. After arguing at length on merits, when this Court was not inclined to grant relief to applicant no.1 Sunita Ashok Kale and applicant no.2 Anita Mayur Kale, learned advocate for applicants, on instructions, seeks permission to withdraw application of applicant no.1 Sunita Ashok Kale and applicant no.2 Anita Mayur Kale. Permission granted.

5. Application of applicant no.1 Sunita Ashok Kale and applicant no.2 Anita Mayur Kale is dismissed as withdrawn.

6. According to applicants, applicant no.3 can walk with stick and applicant no.4 has suffered paralytic attack. Taking into consideration the gender of applicants and their advanced age and the role attributed to them in the FIR, nothing is to be recovered from them, hence their pre-trial custodial detention is not necessary.

7. Application is therefore allowed. In the event of arrest of applicant no.3 Bijabai Kirkan Kale and applicant no.4 Kirkan Dinya Kale in connection with Crime No.519 of 2023 registered with Karjat Police Station, District Ahmednagar for offences punishable under sections 307, 327, 504, 506 read with section 34 of the Indian Penal Code, they be released on bail on executing P.B. and S.B. of Rs.15,000/- each with one surety each in the like amount.

[NITIN B. SURYAWANSHI]
JUDGE