

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.277 OF 2023

Meena Sandip Mishra

.... Applicant

versus

State of Maharashtra

.... Respondent

.....

- Mr. Atul Kumar Pandey, Advocate for Applicant.
- Ms. Pallavi N. Dabholkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 16th JANUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.556/2022, dated 06/12/2023 registered with Nalasopara Police Station, Mira-Bhayandar, Vasai-Virar, under sections 188, 323, 324, 504, 506 r/w 34 of the Indian Penal Code. Subsequently, section 326 of the Indian Penal Code is also included.

2. Heard Mr. Atul Kumar Pandey, learned counsel for the Applicant and Ms. Pallavi N. Dabholkar, learned APP for the State.

3. The FIR is lodged by one Sarita Chavhan. She has referred to some petty quarrel in their society regarding water supply and maintenance in the society. Therefore, there was NC and cross NC registered by the informant and the present Applicant. After both the parties had lodged their respective complaints with the police this incident in question took place in the society. The FIR mentions that the Applicant's brother Divakar Pandey assaulted the informant's husband with a wooden stick having nails. It is alleged that the Applicant also took part in the assault and assaulted the first informant and her husband with wooden stick. On this basis, the FIR is lodged.
4. Learned counsel for the Applicant submitted that the incident is old. The investigation is over. The charge-sheet is already filed. The police did not arrest the Applicant for more than one year though the Applicant was very much available. A minor role is attributed to her. Her custodial interrogation is not necessary.

5. Learned APP produced the investigation papers before me. The injury certificate of the informant's husband Krishna, shows that he has suffered fracture of his hand. That injury was specifically attributed to the Applicant's brother Divakar. While this assault was going on, the Applicant came at the spot, but by that time the informant's husband was already assaulted by the Applicant's brother. There are no other injuries mentioned in respect of the informant's husband Krishna.

6. Considering this situation, it is apparent that the Applicant is a young women of 28 years. There is petty dispute with the informant. Both the parties had lodged NCs against each other. The incident occurred after the NCs were lodged. The main role is clearly attributed to the Applicant's brother. The Applicant reached subsequently and has played a minor role. She has not caused any grievous injury. Therefore after more than one year it is not necessary for the investigating agency to arrest the Applicant for the purpose of custodial interrogation. She can be protected u/s 438 of Cr.PC.

7. Hence, the following order :

ORDER

- (i) In the event of her arrest in connection with C.R.No.556/2022, dated 06/12/2023 registered with Nalasopara Police Station, Mira-Bhayandar, Vasai-Virar, the Applicant is directed to be released on bail on her furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)