

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

ANTICIPATORY BAIL APPLICATION NO. 694 OF 2024

Sonali Yogesh Apune

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Atul Patil (appeared through V.C.) for Applicant.

Mr. C. D. Mali, APP for State/Respondent.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 11 MARCH 2024

P.C. :-

1. The Applicant is seeking anticipatory bail in connection with C.R.No.1038 of 2023 registered at Wakad Police Station, Pimpri-Chinchwad, on 21.10.2023, under Sections 326, 324, 323, 143, 147, 148, 149, 506 of the Indian Penal Code, under sections 4 and 25 of the Arms Act and U/s.37(1), 135 of the Maharashtra Police Act.

2. Heard Mr. Atul Patil, learned counsel for the applicant and Mr. Mali, learned APP for the State.

3. The F.I.R. is lodged by the applicant's husband Yogesh.

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He has stated that, he got married with the applicant in 2015. They have a daughter. There used to be quarrels between the applicant and the informant. The applicant had gone to her parent's house within a year of her marriage. The applicant had filed a case for maintenance. The informant was paying maintenance of Rs.7000/-p.m. to the applicant and he had paid approximately Rs. One and half lakhs to her. After that, there was compromise between the informant and the applicant. From 07.05.2023, for the sake of their daughter, they started residing together. But even then there used to be some dispute between them. The applicant's parents and brother had threatened the applicant, but he had ignored them for the sake of their daughter. It is his case that, about 15 days prior to lodging of F.I.R., he observed that the applicant was giving some objectionable articles through his food. She was in touch with one Babaji Shaikh and the informant was given something to eat. According to him, she was trying to perform some black magic on him. She used to add nails of some animals in his food. The informant had complained about this to the applicant's parents. He requested them to tell the

applicant to not to indulge in such activities.

4. On 20.10.2023, the applicant's parents and others came to his house. The informant's landlord was present there for mediation, but after some time he went away. The applicant's relatives started beating the informant. There are specific allegations that, his brother in law Akshay gave a blow with sickle on the informant's head. It is mentioned that the applicant had caught the informant's hands and the others were assaulting him. The applicant's mother threw chilly powder in the informant's eyes. The informant somehow rescued himself and started shouting. Therefore, the neighbours gathered there. The applicant's relatives then took him to a hospital. His wound needed 8 stitches. First, he was taken to Thergaon hospital and then he was taken to YCM Hospital. On this basis the F.I.R. was lodged.

5. Learned counsel for the applicant submitted that the co-accused Shivaji Raut and Amruta Raut were granted anticipatory bail and, therefore, the applicant also deserves the same protection on the ground of parity. He further submitted that

the said Babaji was arrested, but nothing was recovered from him. There is no corroboration about the conversation between the applicant and said Babaji. He submitted that, there is no specific role alleged against the present applicant. The applicant's parents had come to the informant's house for discussion, therefore, there was no premeditation to commit any serious offence.

6. Learned APP produced the investigation papers before me and opposed the submissions made by the learned counsel for the applicant.

7. I have perused the investigation papers. There are statements of the landlord Dagdu Mehtre and Sunanda Mehtre. They have stated that, there used to be frequent quarrels between the applicant and the informant. On 12.10.2023, they had heard the quarrel and they had seen that the informant had suffered bleeding injury on his head. These two witnesses have not seen the actual assault. Both of them have stated that the applicant was telling the informant to accompany them to a dispensary. To that extent, their statements support the applicant's case. However,

Shankar Shingare's statement shows that the applicant and others were forcing the informant to sit in a rickshaw. Nilesh Sawant's statement is important. He has stated that the applicant was trying to snatch the informant's mobile phone and the informant was resisting that. This is important, because, according to the informant, he had recorded the conversation between the applicant and said Babaji. Finally, one Sopan who was also residing in the same building also sat in the rickshaw and, therefore, the informant went for medical treatment. The injury certificate shows that the informant had suffered CLW over his parietal region of the size 8cm x 1cm x 1cm. There were abrasions on the upper back, neck and cheek. There was subconjunctival hemorrhage on the left eye. The injury certificate supports the informant's case. There are specific allegations that the applicant had held his hand and the others had beaten him and the applicant's mother had thrown chilly powder in his eyes. The injury was grievous. It was on the head. It was 8cm long. Therefore, the offence is grave and serious. There is specific role attributed to the present applicant. There is no parity with the

other accused who are granted anticipatory bail, because their role is much lesser and the applicant is attributed a specific role. Therefore, no case for grant of anticipatory bail is made out.

8. The application is rejected.

(SARANG V. KOTWAL, J.)