

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 939 OF 2024

YUGANDHARA
SHARAD
PATIL

Digitally signed
by
YUGANDHARA
SHARAD PATIL
Date: 2024.04.19
15:02:25 +0530

Akkatai Vilas Dhaigude

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Shailesh Chavan a/w Kuldip Bhosale, for the applicant.

Mr. Avinash A. Naik , APP for the State/Respondent.

CORAM :SARANG V. KOTWAL, J.

DATE : 17th APRIL, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R No.171 of 2023 registered at Khandala Police Station, District Satara, on 23.12.2023, under Sections 302, 201, 504, 506, 427 r/w 34 of the Indian Penal Code. During the investigation Section 120-B of I.P.C. was applied but subsequently on 18/03/2024, even this section was withdrawn.

2. Heard Mr. Chavan, learned counsel for the Applicant and Mr. Naik, learned APP for the Respondent-State.

y.s.patil

1 of 4

3. The prosecution case is that the FIR is lodged by one Vaishali Dhaigude. She has stated that the Applicant's son Dnyaneshwar@ Nonya and the informant's husband Mohan were cousins and there was dispute regarding the boundary of their agricultural lands. On 23/12/2023, in the morning at around 11.00 a.m., Dnyaneshwar brought one JCB machine in the agricultural land. At that time, there was a quarrel between Mohan and the informant on one hand and Dnyaneshwar, the present Applicant and the other family members on the other hand. Dnyaneshwar had threatened Mohan but since it was a family dispute no complaint was lodged. On 23/12/2023, Dnyaneshwar committed murder of Mohan by giving repeated blows on his head with a big stone. On this basis the FIR is lodged.

4. Learned counsel for the Applicant submitted that the charge-sheet in this case is already filed. The Applicant's son is in custody. In the entire charge-sheet no role is attributed to the

present Applicant. Admittedly, the Applicant was not present at the spot when her son had assaulted the deceased. In respect of the incident which had taken place in the morning, there are no serious allegations against the present Applicant. She had not issued any threats to the deceased or his family.

5. Learned APP could not point out any specific role played by the Applicant in this case. He fairly submitted that the investigating agency has dropped section 120-B of the I.P.C.

6. I have considered these submissions and I have perused the charge-sheet. The charge-sheet contains the post mortem notes showing that the deceased had died due to head injury causing fracture of the skull. There are statements of eye witnesses Hingmire, Bapu Madane, Rahul Adsul etc. They have stated that Dnyaneshwar assaulted the deceased with a big stone. Hingmire specifically named the Applicant's son. The other eye witnesses have seen the incident but they were not knowing the assailant, as it is clear from the statement of the eye witnesses

Rahul Adsul and Prajit Pardesi. In any case, it is not disputed that the present Applicant was not at the spot when her son had assaulted the deceased. There is no material against the present Applicant connecting her with the present offence. In this view of the matter, her custodial interrogation is not necessary. She can be protected under section 438 of Cr.P.C. Hence the following order.

ORDER

- (i) In the event of her arrest in connection with C.R No.171 of 2023 registered at Khandala Police Station, District Satara, the Applicant is directed to be released on bail on her executing P.R. 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.)