

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

ANTICIPATORY BAIL APPLICATION NO. 952 OF 2024

(1) Smita Ramesh Gaikwad,
(2) Suchitra Mahesh Dave.

..Applicants

Versus

The State of Maharashtra

..Respondent

Ms. Rebecca Gonsalvez for Applicants.

Ms. Poonam P. Bhosale, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 8 APRIL 2024

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.134 of 2024 registered at Bhoiwada Police Station, Mumbai, on 15.03.2024, under sections 325, 323, 452 and 504 r/w. 34 of the Indian Penal Code.

2. Heard Ms. Rebecca Gonsalvez, learned counsel for the applicants and Ms. Poonam Bhosale, learned APP for the State.

3. The F.I.R. is lodged by one Ashwini Jamdar, residing at Takdir Terrace, Ranjana Deshmukh Marg, Parel. She has stated that, in January 2024 she and her husband had purchased Room No.3 in the aforesaid building and they were carrying out repair

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works. Their neighbours i.e. the present applicants were telling the informant and her husband to stop the work. They were threatening the workers.

4. On 14.03.2024, the informant had lodged an N.C.No.234 of 2024 U/s.506 of the I.P.C. at Bhoiwada police station. On 15.03.2024, at about 9.30a.m. since the work still continued, both the applicants entered the informant's house and started abusing her. It is alleged that, both of them assaulted her with kicks and fist blows. The applicant No.1 bit the informant's right hand. Thereafter, both of them went away. On these allegations the F.I.R. was lodged.

5. Learned counsel for the applicants submitted that the applicants are ladies. The F.I.R. itself shows that, it was a petty quarrel. No serious injury was caused to anybody. In fact, the applicant No.1 herself had suffered some injuries. The applicant No.2 was not involved at all. The only non bailable section is Section 452 of the I.P.C. The other sections are bailable. In this background, the applicants' custodial interrogation is not

necessary.

6. Learned APP opposed these submissions and produced the investigation papers.

7. I have considered these submissions. The investigation papers show that the informant had suffered minor injuries in the nature of abrasion and one bite mark. No serious injury is caused. From the F.I.R. itself, it is quite clear that it is a fight between the neighbours. It is a petty incident, for which, the applicants', who are the ladies, custodial interrogation is not necessary.

8. Hence, the following order :

ORDER

- i) In the event of their arrest in connection with C.R.No.134 of 2024 registered at Bhoiwada Police Station, Mumbai, the applicants are directed to be released on bail on their executing P. R. bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand each Only) with one or two sureties each in the like amount.
- ii) The Application is disposed of.

(SARANG V. KOTWAL, J.)