

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

ANTICIPATORY BAIL APPLICATION NO.1071 OF 2024

1. Seetabai Ashok Narote,
2. Savita Somnath Narote,
3. Manisha Bhagwan Narote,
4. Sarubai Ananda Narote,
5. Meerabai Ramdas Narote,
6. Yogita Nilesch Narote, &
7. Sunita Dattu Narote.

.... Applicants

Versus

The State of Maharashtra

.... Respondent

Mr. Aniket Nikam, Advocate i/b. Amit Icham for the Applicants.

Ms. Poonam P. Bhosale, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 24th APRIL, 2024

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.88/2024 registered at Chandwad Police Station, District-Nashik on 19.3.2024 under sections 326, 324, 323, 143, 147, 148, 149, 427, 504, 506 of IPC.

2. Heard Mr. Aniket Nikam, learned counsel for the Applicants and Ms. Poonam Bhosale, learned APP for the Respondent-State.

3. The FIR is lodged by one Tukaram Narote. He stated that they are in possession of Gat No.375 at Gangave Shivar, District- Nashik. There was a land dispute with the adjoining land owner Ashok. A Civil Suit is pending in the Court in respect of that dispute. The incident is dated 18.3.2024 which took place at around 5.00 p.m.. It is mentioned in the FIR that the informant's mother and sister-in-law were working in their land. At that time, Samadhan Narote came there with tractor and started ploughing the land. He was asked to stop by the informant's mother and sister-in-law, but, he continued. After that about 14 persons from the Applicant's group including of these Applicants came there carrying iron rod and stick. They assaulted the informant's group. It is alleged that the informant's mother Bhamabai was assaulted by the Applicants Sunita, Sarubai and Sitabai, with iron rod and stick. Komal was assaulted by

others. There are allegations that other male members from the Applicants' side assaulted other male members from the informant's side. After all this, the FIR was lodged.

4. Learned counsel for the Applicants submitted that the Applicants' group has lodged their own FIR vide C.R. No.92/2024. It was lodged by Bhagwan Narote in respect of the same incident. In that incident, Ashok who is husband of the Applicant No.1 was seriously injured. Learned counsel submits that due to the injuries suffered in that incident, Ashok succumbed to these injuries and, therefore, Section 302 of IPC is added in that counter FIR which is registered vide C.R. No.92/2024. He submitted that all these facts are suppressed from the FIR. The FIR did not mention any serious injury caused to Ashok.

5. Learned APP opposed these submissions. She produced the investigation papers which show the injury certificate of Bhamabai and Komal. Komal had suffered simple injuries. Bhamabai suffered fracture of her hand. The other male members have suffered other injuries. However, the

crucial question in this case is that the FIR does not even refer to the injuries suffered by the applicant No.1 Seetabai's husband Ashok Narote, which has resulted in his death. Thus, it is quite clear that it is a free fight and one member of the Applicants' group has suffered the fatal injury. In this view of the matter, the Applicants' custodial interrogation, particularly when the Applicant No.1 has lost her husband in the same incident; is not necessary.

6. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.88/2024 registered at Chandwad Police Station, District-Nashik, the Applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.
- (ii) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

Deshmane (PS)

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