

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
ANTICIPATORY BAIL APPLICATION NO.1991 OF 2024

1. Sharda Devidas Thatshungar  
2. Latabai Parsharam Navgire  
3. Sangita Balu Jogdand  
4. Shobha Dnyaneshwar Jogdand ... Applicants  
**Vs.**  
State of Maharashtra ... Respondent

AND

ANTICIPATORY BAIL APPLICATION NO.1992 OF 2024

1. Dnyaneswar Rambhau Jogdand  
2. Balu Rambhau Jogdand ... Applicants  
**Vs.**  
State of Maharashtra ... Respondent

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Mr. Ajinkya Vilas Taskar for Applicants in both the Applications.  
Ms. Rutuja A. Ambekar, APP for Respondent-State in ABA/1991/2024.  
Mr. Tanveer Khan, APP for Respondent-State in ABA/1992/2024.

**CORAM : MANISH PITALE, J.**  
**DATE : JULY 30, 2024**

**P.C. :**

1. Heard learned counsel for the applicants and learned APPs for the respondent-State in both the applications.

2. The applicants are apprehending arrest in connection with FIR No.0185 of 2024 dated 25.05.2024 registered with Yeola City Police Station, District - Nashik Rural, for offences under Sections 143, 147, 149, 323, 327, 353, 427, 504 and 506 of the Indian Penal Code, 1860 (IPC).

3. The informant is a conductor with Maharashtra State Road Transport Corporation (MSRTC) of a bus plying from Kopergaon to Malegaon. It is the specific case of the informant that while the bus was

plying from Kopergaon to Malegaon, a person entered into the bus at Yeola signal, where there was no bus stand. When the informant told him that he could not do so, the said person stated that he would buy ticket from Kopergaon i.e. the station from which the bus had left. It appears that another person associated with the said person, who had entered the bus at Yeola bus stand, started arguing with the informant and others associated with the MSRTC, when the bus reached Yeola bus stand. This led to commotion and Mrs. Archana Dani, Head of the Control Unit of Yeola bus stand had to come out to pacify the situation. During the said incident, it is alleged that the accused persons assaulted the said Head of the Control Unit by physically beating her and also tearing her clothes. It is also alleged that when the informant sought to intervene, an amount of Rs.450/- pertaining to the tickets that were sold, was taken out of the pocket of the informant. Thereafter, there was further violence inflicted by the accused persons and the role of the accused persons has been stated in detail by the informant.

4. The anticipatory bail applications of the applicants were dismissed by the Sessions Court by observing that specific allegations are indeed made out against the applicants for the offence under Section 353 of the IPC, apart from other offences alleged against them.

5. The learned counsel for the applicants submits that the applicants in Anticipatory Bail Application No.1991 of 2024 are all ladies. It is submitted that two of them are not even residents of the place where the incident took place. It is submitted that the applicants are ready to co-operate with the investigation and that except the offence under Section 353 of the IPC, the other offences are bailable. The learned counsel for the applicants submits that this Court may take a lenient view in the matter and grant reliefs to the applicants.

6. On the other hand, learned APPs have vehemently opposed the

applications. It is submitted that the incident has been described in detail by the informant. The Head of the Control Unit of Yeola bus stand, being a lady, was assaulted by the accused persons and her clothes were also torn, which clearly makes out the ingredients of offence under Section 353 of the IPC. It is submitted if indulgence is shown to the applicants, it would set a wrong precedent.

7. This Court has considered the material on record in the light of the rival submissions. The statement of the informant, who is a conductor with MSRTC, describes in detail, the genesis of the incident and the role ascribed to each of the accused persons. This Court finds that all the applicants, including the women, have been attributed specific roles. The women assaulted the Head of the Control Unit of Yeola bus stand. The assault appears to be unprovoked and since the Head of the Control Unit of Yeola bus stand was on official duty, the ingredients of offence under Section 353 are *prima facie* made out against the accused persons, including the women. Only because the applicants in one of the anticipatory bail applications are women, that cannot be a ground to show indulgence, particularly in the light of specific roles attributed to them and the ingredients of the said offence having been made out.

8. There is substance in the contentions raised by the learned APPs that granting relief and showing indulgence in such a case may set a wrong precedent and accused persons, who are alleged to have inflicted such violence on persons on official duty, would be encouraged to behave in such a manner in future. No case is made out for granting anticipatory bail. Applications are rejected. Needless to say, the observations made in this order are limited to deciding the anticipatory bail applications of the applicants.

**(MANISH PITALE, J.)**