

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

ANTICIPATORY BAIL APPLICATION NO.2201 OF 2024

Kashish Vinod Kshirsagar Applicant
Versus
The State of Maharashtra Respondent

Mr. Akshay Bankapur, Advocate for the Applicant.
Ms. Ranjana D. Humane, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 06th AUGUST, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.14/2024 registered at Chandwad Police Station, District-Nashik on 16.1.2024 under sections 143, 147, 148, 149, 302, 323, 324, 504 and 506 of IPC and under Section 135 of the Maharashtra Police Act.
2. Heard Mr. Akshay Bankapur, learned counsel for the Applicant and Ms. Ranjana Humane, learned APP for the Respondent-State.
3. The prosecution case is reflected in the First Information Report lodged by one Sheetal Shinde in respect of one Raju Shinde. The informant has stated that Raju was

residing with his family members. The first informant was his wife. He had another wife by the name Sunita. His other family members were his parents, two daughters and a son. On 16.1.2024, he left home for attending his office. At around 1.30 p.m., Raju called the first informant and told her that one Chanchal Kshirsagar, his mother, brother Vinod and other family members were quarreling with him in their complex. The first informant and Raju's other wife Sunita went to the spot. The informant has further stated that all the family members of Chanchal Kshirsagar, including the Applicant, were abusing Raju. The Applicant was daughter of Vinod. The informant and the others separated the quarrel; and thereafter the Applicant and her family members went to their house. The informant, Raju and his other family members were standing near their complex. At around 2.30 p.m. again Chanchal, Vinod and all their other family members, including the Applicant, came to the spot. Some of them were carrying weapons. They were saying that Raju would not be kept alive. Piyush stabbed Raju on the chest and gave blows on his arms. Raj Kshirsagar gave blows with knife on Raju's head. One Prashant Thorat tried to intervene,

but, Piyush assaulted him with a weapon on his back. The informant and others then intervened and took Raju to a hospital at Chandwad, but, he was declared dead. On these allegations, the FIR is lodged.

4. Learned counsel for the Applicant submitted that at the time of incident the Applicant was 17 years 11 months and 25 days old. Hence, she was at the highest a child in conflict with law. She has not played any major role in the incident. The allegations against the Applicant, at the highest, are that she was present with her other family members and she had given abuses to the deceased and his family members. He submitted that considering that the Applicant is a young girl and has not played any major part in the incident, she be protected under Section 438 of Cr.PC.

5. Learned counsel for the Applicant further submitted that in this case the investigation is over and the charge-sheet is already filed.

6. Learned APP, on instructions, accepted that the Applicant was below 18 years of age at the time of incident and

that she had not played any major part. She had not used any weapon.

7. Learned APP, on instructions, states that the investigating agency does not want to arrest the Applicant for investigation purposes.

8. I have considered these submissions and I have perused the charge-sheet. There are statements of eye witnesses namely Ravindra Mali, Yogesh Sonavane, Prakash Sonavane and Sharad Shinde. Their statements are consistent. The incident is described in two parts. In the first part, there were allegations of quarrel and abuses. According to these witnesses, the Applicant was present in the first part of the incident and had taken part in giving abuses. The main incident took place in the second part. As mentioned earlier, the allegations of assaulting the deceased with weapons are against the other accused.

9. At the highest the allegations against the Applicant was that she has taken part in abusing the family members of the deceased. There are allegations that when the informant and others were trying to intervene, the family members of the Applicant and the Applicant herself had stopped them from

helping Raju. However, the first informant herself has not stated so in her FIR.

10. The injured Prashant Thorat has not named the Applicant at all. Thus, there are weak allegations against the Applicant. She is a young girl and was not even 18 years of age at the time of incident. Considering all these aspects, she can be protected under Section 438 of Cr.PC..

11. Hence, the following order :

ORDER

- (i) In the event of her arrest in connection with C.R.No.14/2024 registered at Chandwad Police Station, District-Nashik, the Applicant is directed to be released on bail on her furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

Deshmane (PS)

Digitally signed
by
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PRAKASHRAO
DESHMANE
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2024.08.09
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