



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2958 OF 2024

Ishwari Akshay Pawar

...Applicant

Versus

The State of Maharashtra

...Respondent

*Mr. Tapan Thatte a/w. Mr.Zaid Anwar Qureshi i/by Mr. Uday K., for Applicant.
Mr. A.V. Konde-Deshmukh, for the Informant.
Mr. Mayur Sonavane, APP for the Respondent-State.
Mr. Sanjay Dhaware, PSI, Rajgad Police Station is present.*

Coram : Sharmila U. Deshmukh, J.

**Date : October 31, 2024.
[Vacation Court]**

P. C. :

1. The present Application has been preferred under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, "BNSS"), seeking pre-arrest bail in connection with FIR No.0455 of 2024, registered with Rajgad Police Station, Pune Rural, under Sections 49, 352, 351(3), 351(2), 3(5), 118(2), 115(2) and 109 of BNSS.
2. The case of the prosecution is that on 25th September, 2024 at about 10:00 a.m., where Informant was standing in front of his house, the husband of the Applicant approached him and there was a verbal altercation between them. Thereafter, at around 6:00 p.m., when the the Informant was at his permit bar, the husband of the Applicant alongwith the Applicant and one friend named Gaurav approached the

Informant and the husband of the Applicant assaulted the Informant with the glass bottle which was kept on the counter. That time the Applicant instigated her husband not to leave the Informant alive. At that time, a waiter named Jitendra Gawat came there and tried to intervene and the friend of the Applicant pushed them and threatened them.

3. Heard Mr. Thatte, learned counsel appearing for the Applicant, Mr.Konde-Deshmukh, learned counsel for the Informant and Mr.Sonavane, learned APP for the Respondent-State

4. Mr. Thatte, learned counsel appearing for the Applicant would submit that the role attributed to the Applicant is instigating the main Accused who is her husband. He submits that the offences registered particularly Section 109 of BNSS will not be attracted in the present case. He submits that the role attributed to the Applicant's wife does not require the custodial interrogation. He would further submit that the Applicant is aged about 24 years and is a house-wife and there are civil disputes pending between the Applicant's family and Informant's family.

5. Learned counsel appearing for the Informant seeks time to file an intervention application and place certain material on record. The grant of pre-arrest bail has been opposed by the learned APP stating that the offence is grave and does not warrant pre-arrest bail.

6. *Prima facie*, upon consideration of the First Information Report (FIR), the allegation of assault is against the husband of the Applicant and the only role attributed to the Applicant is instigation to her husband. There is no corroboration to the said incident, at least at this stage, placed on record.
7. Considering the role which is attributed to the Applicant, *prima facie*, case for grant of pre arrest bail is made out. As learned counsel for the Informant seeks to time to place on record further material, list the Application on **25th November, 2024**.
8. Till the next date, interim relief is granted to the Applicant.
9. In event of arrest, the Applicant be released on furnishing PR Bond of Rs.15,000/- with one or two surety in like amount. The Applicant to attend the concerned police station on 6th November, 2024 at 11:00 a.m. and as and when called upon. The Applicant not to give any inducement or threat to any witness or tamper with evidence.

[Sharmila U. Deshmukh, J.]