

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

ANTICIPATORY BAIL APPLICATION NO. 3042 OF 2024

1. Balu Yamaji Lavate
 2. Ranjna Balu Lavate
- ...Applicants

Versus

The State of Maharashtra

...Respondent

- Mr. Ranjeet M. Pawar, for Applicant.
- Mr. Prasanna P. Malshe, APP for Respondent.

CORAM : MANISH PITALE, J.

DATE : 14th NOVEMBER, 2024.

P. C. :

1. Heard learned counsel for the applicants and learned APP for the respondent-State.
2. The applicants are apprehending arrest in connection with First Information Report No.0298 of 2024, dated 16.08.2024, registered at Police Station Malshiras, District Solapur, for offences under Sections 118(1), 115(2), 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS).
3. This Court is informed that subsequently offence under Section 105 of the BNS has been added, which pertains to punishment for culpable homicide not amounting to murder.
4. The statement of the informant, which led to registration of the FIR, shows that incident took place due to a quarrel pertaining to right of way

SHRIKANT
SHRINIVAS
MALANI

Digitally signed by
SHRIKANT
SHRINIVAS MALANI
Date: 2024.11.14
18:51:30 +0530

through agricultural field. The informant has alleged that the accused persons came to the spot of the incident and picked up a quarrel, which resulted in physical assault on the informant and her mother-in-law. During the incident, the mother-in-law i.e. the victim was injured and eventually she died after five days due to heart-attack.

5. The learned counsel for the applicants submits that the overt act attributed to the applicants would indicate that serious offences registered in the present case may not be relatable to them. The co-accused persons i.e. the sons of the applicants have been already arrested. It is submitted that the applicants are ready to cooperate with the investigation and therefore, this Court may consider allowing the present application.

6. The learned APP, on the other hand, submits that statement of the informant as well statements of the witnesses shows the presence of the applicants and the role attributed to them. On this ground the application is opposed.

7. Having heard the submissions, this Court is inclined to allow the present application. Even if the allegations made in the statement of the informant are taken into consideration, it is found that the allegations are about the applicants having abused and thereafter assaulted the victim by way of fists and kicks. There is no allegation of use of any weapon. It is the co-

accused persons, who picked up a stone and threw it at the victim, which hit her on her left eye. The victim died after five days due to heart-attack.

8. The genesis of the incident was quarrel in the context of right of way to agricultural field. Considering the specific allegations made against the applicants and the limited role attributed to them, this Court is inclined to allow the present application.

9. Accordingly, the application is allowed in the following terms:

- (A) In the event the applicants i.e. (1) Balu Yamaji Lavate (2) Ranjna Balu Lavate are arrested in connection with FIR No.0298 of 2024, dated 16.08.2024, registered at Police Station Malshiras, District Solapur, they shall be released on bail, on furnishing PR Bonds of ₹ 15,000/- each with one or two sureties each in the like amount.
- (B) The applicants shall remain present before the Investigating Officer on 18th November, 2024, between 10:00 a.m. and 12:00 noon and thereafter as and when called by the Investigating Officer.
- (C) The applicants shall cooperate with the investigation.
- (D) The applicants shall not tamper with the evidence in any manner. They shall not influence the informant, witnesses

or any other persons concerned with the case.

10. Needless to say, violation of any of the aforesaid conditions would make the applicants liable to face proceedings for cancellation of anticipatory bail.

11. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicants in the present application and that the Trial Court shall proceed further, without being influenced by the observations made in this order.

12. The application is disposed of.

(MANISH PITALE, J.)