

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

Anticipatory Bail Application No.3463 of 2024

1. Sushma Ramesh Pawar

Aged: 44 years, Occu.: Service,
Jambhundpada, Dahagaon Road,
Near Kirana Store, Post: Vashind,
Taluka: Shahapur, District:Thane

2. Ramesh Dattu Pawar

Aged: 58 years, Occu.: Service,
Jambhundpada, Dahagaon Road,
Near Kirana Store, Post: Vashind,
Taluka: Shahpur, District:Thane

... Applicants/
Accused

versus

The State of Maharashtra
Through Vashind Police Station,
Taluka: Shahpur, Dist: Thane.

... Respondent

Mr Manish Gaikwad, for the applicants.
Mr Arfan Sait, APP, for the respondent/ State.
PSI Raosaheb Wagh, a/w. ASI Mahesh Wagh, Vashind Police
Station, are present.

**Coram: R.N. Laddha, J.
Date: 18 December 2024.**

P.C.:

By this application, the applicants seek pre-arrest bail in
connection with CR No.189 of 2024, registered at Vashind
Police Station, Thane Rural, for offences punishable under

Sections 103(1), 115(2), 352, 351(2) read with 3(5) of Bhartiya Nyaya Sanhita, 2023.

2. Heard Mr Manish Gaikwad, the learned Counsel appearing for the applicant and Arfan Sait, the learned Additional Public Prosecutor representing the respondent/ State.

3. It is the case of the prosecution that on 11 October 2024, at about 8:30 p.m., the informant's son, Kishor, along with Arun Wagh, Pramod Wagh, Milind Waghe and Mangesh Mukane, were sitting in a ice-cream parlour Vashind. At that time Suresh Jadhav verbally abused Kishor. Later, around 9:30 p.m., the informant and her son accompanied by Arun Wagh, Pramod Wagh, Milind Waghe, and Mangesh Mukane went to Suraj Jadhav's house to discuss the matter with his parents. However, upon finding his parents absent, they decided to return home. As they were leaving, the accused, acting in furtherance of their common intention, assaulted, abused and threatened the informant, her son, and his companions. During the altercation, co-accused Rajesh attacked Milind with a sickle, causing grievous injuries. While the group was taking Milind to the hospital for treatment, accused Ramesh and his wife, Sushma (applicants), obstructed their motorcycle and assaulted her. Subsequently, the injured Milind was admitted to the

primary health centre in Vashind for treatment and later transferred to the District Hospital, Shahapur, where he succumbed to the injuries.

4. The learned Counsel appearing on behalf of the applicant, submits that the applicants have been falsely implicated in the present crime. The applicants were not present at the scene when the alleged incident took place. Their names were subsequently added in the supplementary statement, and the accusations made against them are general and non-specific. Furthermore, the applicants have no criminal antecedents. The applicants are law abiding citizens and are willing to comply with any conditions that may be imposed by the Court.

5. On the other hand, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicant's plea emphasising the gravity and seriousness of the offence. The applicants obstructed the informant while the injured individual was being taken to the hospital and even assaulted her. The investigation is in progress. The release of the applicants on pre-arrest bail will hinder the investigation.

6. Upon perusing the records, it appears that the applicants and the informant are relatives, and there has been a prior dispute between them. The investigation is at a nascent stage.

The offence is grave and serious in nature. During the incident, while the informant was attempting to carry the injured to the hospital, they were obstructed and assaulted by the applicants. There are eyewitnesses who have corroborated this incident. In these circumstances, this Court is not inclined to exercise its discretion in favour of the applicant. As a result, the application stands rejected.

[R.N. Laddha, J.]