



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.742/2024

Ashabai w/o Ananda Wakode and another Vs. The State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.S. Londhe, Advocate for applicants
Ms T.H. Udeshi, APP for non-applicant/State

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 04/09/2024

The applicants came to be arrested on 18/02/2024 in connection with Crime No.66/2024 registered with Police Station, Hiwarkhed, District Akola, for the offences punishable under Sections 143, 145, 147, 148, 149, 324 and 302 of the Indian Penal Code.

2. The crime is registered on the basis of report lodged by Anil Uttam Tayade, on an allegation that on 16/02/2024 at about 4.00 p.m., the deceased had been to village Danapur and after taking lunch, he proceeded at about 7.30 p.m. towards Malegaon Road. When he was proceeding from the market place, his vehicle dashed against the applicant Ramabai Kailas Sawale. At the relevant time, there was quarrel between co-accused Siddharth Wakode and the deceased. Thereafter, Sidharth Wakode went at home and came along with present applicants and other co-accused. Present applicants and other co-accused assaulted the deceased as well as the

prosecution witnesses Yogita Mahesh Salawe and Shivani Jagdish Verma. In the said incident, the deceased has sustained grievous injury and succumbed to the death. On the basis of the said report, the police have registered the crime against the present applicants.

3. Learned Counsel for the applicants submitted that as far as the involvement of the present applicants is concerned, they are falsely implicated in the alleged offence. Moreover, the death of the deceased has been caused due to the injuries, which are attributable to the present applicants. Now the investigation is completed and chargesheet is filed. The further incarceration of the present applicants is not required.

4. Learned APP strongly opposed the said application and submitted that in furtherance of the common object and deceased was assaulted by the present applicants as well as other co-accused. The post mortem report shows that the deceased has sustained as many as 12 injuries on the person and thereafter, death of the deceased is caused. The eye-witnesses statements sufficiently show the involvement of the present applicants in the alleged offence. Considering the *prima facie* case, the application deserves to be rejected.

5. After hearing the learned Counsel for the applicants and learned APP for the State, perused the investigation papers, from which, it reveals that in the

alleged incident, the applicant Ashabai has also sustained injuries. It reveals from the entire investigation papers that the entire dispute started on account of inadvertently dash was given to the applicant Ramabai, as the deceased was proceeded on the vehicle and on that count, the quarrel started between them and deceased was assaulted. As far as the present applicants are concerned, admittedly, there is allegation that they were involved in the actual assault, but the death of the deceased is caused due to the head injury, which is attributable to the other co-accused. Now investigation is completed and chargesheet is filed. Considering the role attributed to the present applicants, their further incarceration is not required. In view of that application deserves to be allowed. Accordingly, I proceed to pass the following order:

ORDER

- (i) The application is allowed.
- (ii) The applicants- **1) Ashabai w/o Ananda Wakode and 2) Ramabai w/o Kailas Sawale**, be released on bail in Crime No.66/2024, registered with Police Station, Hiwarkhed, District Akola, for the offences punishable under Sections 143, 145, 147, 148, 149, 324 and 302 of the Indian Penal Code, on executing a P.R. Bond in the sum of Rs.25,000/- each with one solvent surety, in the like amount.
- (iii) The applicants shall entered the village Hivarkhad till the culmination of the trial.

(iv) The applicants shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

(v) The applicants shall attend the proceedings before the learned Sessions Court without seeking any exemption unless there are exceptional circumstances.

6. The application stands disposed of.

JUDGE

R.S. Sahare