



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION ABA NO. 629 OF 2024

SMT. KUSUM W/O KHANDU DHOK

VERSUS

**THE STATE OF MAHARASHTRA THR. P.S.O., P.S.RISOD, TQ.RISOD, DIS-
T.WASHIM**

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

Court's or Judge's orders.

Shri Kabir Kalida, Advocate for applicant
Shri A.J. Gohokar, APP for the State
Shri Bhagwan Parve, Advocate for the complainant

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 27.09.2024

1. Apprehending arrest at the hands of police, the applicant in connection with Crime No.345 of 2024 for the offences punishable under Section 109, 351 (3), 352, read with Section 3(5) of the Bhartiya Nyay Sanhita of 2023, the present applicant approached this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of the report lodged by Ramprasad Narayan Khorne, alleging that the agricultural land of the present applicant is adjacent to his land and there is a dispute on account of boundary and civil case is pending before the Civil Court as to the boundary. On the date of incident, i.e. on 08.07.2024, when he was working along with his wife and son in agricultural field, the present applicant along with her husband and son entered

their agricultural land and assaulted them. As far as the present applicant is concerned, it is alleged that she has assaulted by means of sickle on his neck and left hand due to which he has sustained the injuries. On the basis of the said report, the police have registered the crime against the present applicant and the other co-accused.

3. Heard the learned counsel for the applicant. He submitted that as far as the present applicant is concerned, it is alleged that she has assaulted the informant and his family members, but she is implicated due to the previous dispute between them. As far as allegations against the applicant are concerned, which are completely baseless and her custodial interrogation is not required. In view of that, she be protected by granting anticipatory bail.

4. The learned APP and learned counsel for the complainant strongly opposed the application and submitted that not only the present applicant but other family members have also assaulted to the family members of the informant. The son of the informant has sustained three grievous injuries, in the name of contusion lacerated wound on the vital part of the body.

5. After hearing the learned counsel for the applicant and the learned counsel for the State, I have perused the investigation papers from which it reveals that the incriminating weapon is already recovered by the investigating agency. As far as the injuries sustained by the informant are concerned, which are simple in nature and the custodial interrogation of the applicant is not

required. As far as the involvement of the present applicant is concerned, it reveals from the various statements recorded during the investigation, but considering that the informant is discharged from the hospital and there is no apprehension as to any complexity of the injuries. In view of that, the application deserves to be allowed by imposing certain conditions. Accordingly I proceed to pass following order:

- (i) The application is allowed.
- (ii) The applicant-Smt. Kusum w/o Khandu Dhok, shall be released on anticipatory bail in connection with Crime No.345 of 2024 for the offences punishable under Section 109, 351 (3), 352 read with Section 3(5) of the Bhartiya Nyay Sanhita of 2023, on executing PR Bond of Rs.25,000/- with one solvent surety of like amount.
- (iii) The applicant shall attend the concerned police Station, as and when her presence is required for the investigation purpose and shall cooperate with the investigating agency.
- (iv) The applicant shall not induce, threat or promise to any witnesses, who are acquaintance with the facts of the case.

The application is disposed of.

JUDGE