



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

CRIMINAL APPLICATION (ABA) NO. 669 OF 2024

Smt. Kusum Kisan Patharikar Vs State of Maharashtra.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. S.V. Sirpurkar, counsel for applicant.

Mr. S.M. Ghodeswar, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 23/09/2024.

1. Apprehending the arrest at the hands of police in connection with Crime No. 241/2024 registered with Police Station Telhara, Tq. Telhara, District Akola for the offence punishable under Sections 109(1), 352, 351(3), 115(2), 3(5) of the Bhartiya Nyaya Sanhita, 2023, the applicant approached this Court for grant of pre-arrest bail.

2. Learned counsel for the applicant submitted that the crime is registered on the basis of a report lodged by Dadarao Shankar Patharikar on an allegation that on 13/08/2024, due to the quarrel, the present applicant abused and slapped his son as well as the other co-accused gave a blow of knife and axe on the person of the injured. On the basis of the said report, police have registered the crime. He submitted that, as far as the present applicant is concerned, only role is attributed to her that she has abused and assaulted the injured by means of slap and fist blow. Thus, her custodial interrogation immediately is not required, and in view of that, he be protected by granting ad-interim anticipatory bail.

3. The learned APP strongly opposed the said application on the ground that the act committed by all accused was in furtherance of their common intention. In view of that, the prayer for grant of ad-interim protection deserves to be rejected.

4. After hearing learned counsel for the applicant and learned APP for the State, perused the recitals of the FIR, from which it reveals that out of the family dispute, the alleged incident has taken place and the role attributed to the present applicant is to the extent of assault by slaps and the fist blows. Thus, considering the role attributed to her, immediate custodial interrogation is not required, in view of that, she can be protected by granting ad-interim protection. Accordingly, I proceed to pass the following order;

- a] Issue notice to the non-applicant.
- b] Learned Additional Public Prosecutor waives service of notice on behalf of non-applicant/State and seeks time to file reply.
- c] In the event of her arrest, in connection with Crime No. 241/2024 registered with Police Station Telhara, Tq. Telhara, District Akola for the offence punishable under Sections 109(1), 352, 351(3), 115(2), 3(5) of the Bhartiya Nyaya Sanhita, 2023, the applicant – Smt. Kusum Kisan Patharikar shall be released on ad-interim anticipatory bail on

executing P.R. bond of Rs. 25,000/- with one solvent surety in the like amount.

- d] The applicant shall attend the concerned police station as and when required for the investigation purpose.
- e] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

5. Stand over after **two weeks**.

[URMILA JOSHI-PHALKE, J.]