



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

26 CRIMINAL APPEAL NO. 1005 OF 2024

**SANGEETA W/O TULSHIRAM JADHAV AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

.....
Advocate for Appellant : Mr. Magre Sunil G.
APP for Respondents/State : Mr. S.M. Ganachari
Advocate for the Respondent No.3 : Mr. Ashutosh Kulkarni (Appointed)
.....

**CORAM : Y.G. KHOBRAGADE, J.
DATE : 10.02.2025**

PC.:-

1. The learned counsel appearing for the Appellants crave leave to withdraw the appeal to the extent of Appellant Nos.2 and 3. Accordingly, appeal is dismissed as withdrawn to the extent of Appellant No.2-Kapil S/o Tulshiram Jadhav and Appellant No.3-Shankar Alias Sanket S/o Tulshiram Jadhav.

2. By the present appeal under Section 14A of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 the Appellant /Accused No.1-Sangeeta W/o Tulshiram Jadhav prayed for anticipatory bail in Crime No. 0374/2024 registered with Ambad Police Station for the offences punishable under Section 109(1), 119(2), 351(2), 352 read with Section 3(5)

of Bhartiya Nyaya Sanhita, 2023 (BNS, 2023) and under Section 3(1)(r), 3(1)(s), 3(2)(v-a), 3 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

3. On perusal of case diary as well as FIR it appears that, on 13.08.2024 at about 11.30 am, when the Informant/Respondent No.2 was in her tailoring shop at that time the Accused No.1-Sangeeta W/o Tulshiram Jadhav and other accused i.e. Appellant No.2-Kapil S/o Tulshiram Jadhav and Appellant No.3-Shankar Alias Sanket S/o Tulshiram Jadhav visited her and abused her on her caste on the ground that she was having extra marital affair with the husband of Accused No.1. The Accused No.1 abused the complainant that she is having illicit relations with her husband and the mangalsutra which is worn by the Complainant is given by her husband. Thereafter, the Accused No.1 removed mangalsutra from her person and also took away cash of Rs.4,000/-, hence shouted but at that time, the Accused No.2 assaulted her with iron rod on her head with an intention to kill her but she bend down, therefore, she sustained injuries of iron rod on her both the legs. Both the Accused Nos.2 and 3 assaulted her with iron rod. Thereafter, she was hospitalized at Govt. Hospital, Ambad but subsequently she visited Sanjivi Hospital, Jalna. On the basis of said report, Crime No.0374 was registered against the present Appellants for the above said offences.

4. On perusal of case diary, it appears that the weapons which have been used while committing the crime cash and mangalsutra are yet to be seized and recovered from the accused persons. It further appears about abusement on the caste to the Informant in tailoring shop. Therefore, considering the nature of offences, the present Appellant No.1 is entitled to be released on pre-arrest bail. Accordingly, I proceed to pass the following order:

ORDER:

- i) The present Appeal is hereby partly allowed.
- ii) In the event of arrest the Appellant No.1/Accused No.1-Sangeeta W/o Tulshiram Jadhav be released in Crime No. 0374/2024 registered with Ambad Police Station for the offences punishable under Section 109(1), 119(2), 351(2), 352 read with Section 3(5) of Bhartiya Nyaya Sanhita, 2023 (BNS, 2023) and under Section 3(1)(r), 3(1)(s), 3(2) (v-a), 3 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 on execution of P.R. bond of Rs.50,000/- with one or two solvent sureties in the like amount.
- iii) The Appellant No.1 shall attend the concerned Police Station on every Monday between 11.00 a.m. and 1.00 p.m. till the filing of the charge-sheet and she shall cooperate the Investigating Officer.

iv) The Appellant No.1 shall not issue threats to the witnesses and shall not tamper with the prosecution evidence.

v) The Appeal in respect of the Appellant Nos.2 and 3 is hereby dismissed as withdrawn.

5. The fees of the appointed counsel for the quantified @ Rs.5,000/- and it is to be paid through the High Court Legal Aid Services Authority, Aurangabad.

[Y.G. KHOBRADE, J.]