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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 309 OF 2025

Sunita Ashok Bagav

..... Applicant

VERSUS

State of Maharashtra

..... Respondent

Mr. Pranav Bhoite i/b. Mr. Ghanasham S. Jadhav for the Applicant.

Mr. Nitin B. Patil, A.P.P. for the State.

Mr. V. R. Mohole, Police Constable, Malegaon Police Station.

CORAM : RAJESH S. PATIL, J.

DATE : 3rd FEBRUARY, 2025

P.C. :-

1. This anticipatory bail application has been filed in FIR No. 0229 dated 21st September, 2024 registered with Malegaon Police Station, Pune Gramin, under Sections 352, 351(2), 3(5), 118(1), 115(2) of the Bharatiya Nyaya Sanhita, 2023.

2. It is the case of the prosecution that on 19th September, 2024 at

around 12:30 p.m., one Shyam Bagav and Anna Bagav went to the house of the first informant and asked him to give his half share of the residential premises. Since the first informant refused to do so, the accused abused him and went away. Thereafter on 20th September, 2024 at 9:30 a.m. Ashok Bagav, Shyam Bagav and Ganesh Bagav, wife of Ashok Bagav started abusing the first informant. As the first informant asked them to stop the abuse; Ashok Bagav, Shyam Bagav, Ganesh Bagav assaulted the first informant and his brother by iron pipe and wooden log on their hand, back and head. At that time, the wife and sister-in-law of the first informant intervened in order to save the first informant. Even they were not spared and were assaulted by the wife of the Ashok Bagav (the present applicant) by wooden log. Hence, the FIR was lodged against all the accused. The daughter-in-law has also lodged the FIR being no. 0234 dated 24th September, 2024 at Malegaon Police Station, Pune Gramin against the first informant and his family under Sections 115(2), 118(1), 189(2), 190, 191(2), 191(3), 351(2) and 352 of the Bharatiya Nyaya Sanhita, 2023. In the said FIR, the accused therein were granted bail at the police station.

3. It is the case of the applicant that the applicant is a lady aged 64 years and is arrayed as accused no.4 in the FIR. As regard the accused nos. 1 to 3 are concerned, they have been arrested and the bail is already been granted. As far as recovery of the weapons are concerned, the learned A.P.P. submits that all the weapons have been recovered in the said offence.

4. The weapons allegedly used for the commission of the offence are already seized. The applicant is a senior citizen woman. At this stage, her custodial interrogation is not required. There is no chance of her fleeing. There is no kind of discovery or recovery on her part. Therefore, according to me, a case is made out for pre-arrest protection. I, therefore, pass the following order :-

ORDER

- (a) The anticipatory bail application is allowed.
- (b) In the event of arrest in connected with FIR No. 0229 dated 21st September, 2024 registered with Malegaon Police Station, Pune Gramin, the applicant shall be released on bail on furnishing PR. bond to the

extent of Rs.30,000/- with one or more sureties of the like amount.

(c) The applicant shall co-operate with the investigation and attend the Investigating Officer of the concerned Police Station, as and when called.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Courts or any Police Officer and should not tamper with evidence.

(e) The applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

5. In view of the above, **the anticipatory bail application is disposed of.**

[RAJESH S. PATIL, J.]