

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

Criminal Application No.894 of 2015

Kushabai w/o Ramkishan Dangare
And Another.

.. Applicants.

Versus

The State of Maharashtra.

.. Respondent.

Shri. Shahaji B. Ghatol Patil, Advocate, for applicants.

Shri. A.V. Deshmukh, Additional Public Prosecutor, for
respondent.

CORAM: T.V. NALAWADE, J.

DATE : 4th MARCH 2015

ORDER:

1) The application is filed for bail. Both the sides are heard. This Court has perused the papers of investigation.

2) The crime is registered on the basis of report given by one Dadarao Dangare for offences punishable under sections 302, 307, 326, 34 etc of the Indian Penal Code. Main accused Ramkishan is the brother of Dadarao.

There is some dispute between the family of Ramkishan and Dadarao over the family property and it is the grievance of Ramkishan that proper share was not given to him during partition. He used to pick up quarrel due to this dispute.

3) On 8-1-2015 the sugarcane crop from the field of the complainant was harvested. Some left-over part was kept in the open space and Ramkishan said that it was his place and the complainant's family should not keep anything in that place. Quarrel took place over that incident.

4) On 9-1-2015 in the morning some persons from the village were taken by Dadarao to the field to convince Ramkishan and his sons to settle the dispute. The persons attempted to convince Ramkishan and they left the place. At about 1.00 p.m. on the same day when the complainant and his family members went to the field, Ramkishan, his two sons Ramesh and Govind went there and they were holding weapons like stick, iron rod and knife. They started quarreling by saying that they would not allow the

complainant side to take water from the well. Dadarao tried to pacify them but these persons kept on quarelling and they started assaulting the persons from the complainant side. When the nephew of the complainant, named Gopal intervened, Govind gave blow of knife on the abdomen of Gopal. Knife was used against Balaji also from complainant side, and others were also assaulted. Gopal died due to stab injury inflicted on his person.

5) The post mortem report shows that Gopal sustained sharp incised wounds on abdomen and chest and due to these external injuries there was internal injury caused to lungs. The death took place due to haemorrhagic shock due to stab injury to abdomen and chest. Injury certificates in respect of Balaji and others show that Balaji also sustained stab injury. He was admitted in hospital. The other persons including lady members sustained simple injuries and one Sunita sustained lacerated stab wound. The injuries were caused by knife.

6) There is sufficient material to hold that some incident did take place in which Gopal was murdered in the aforesaid incident. The learned Additional Public Prosecutor submits that the investigation papers show that present applicants who are wife of Ramkishan and wife of Ramesh were present on the spot and they were instigating the male members to finish the persons from the side of the complaint. There are other circumstances like recovery of blood stained clothes.

7) It appears that the applicants are behind the bars since 12th January 2015. However, their names are not mentioned in the F.I.R. In view of the role attributed to the applicants and the aforesaid circumstances this Court holds that it is not desirable to keep these two ladies behind the bars till disposal of the case.

8) In the result, the application is allowed. Both the applicants are to be released on bail in Crime No.03/2015 registered in Hatta Police Station, District Hingoli for offences punishable under sections 302, 307, 306, 34 etc. of the Indian Penal Code on their furnishing

PB and SB of Rs.15,000/- by each of them. The applicants are not to tamper with prosecution witnesses. They are not commit similar offences.

Sd/-
(T.V. NALAWADE, J.)

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