

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 994 OF 2015
[Vaishali Baban Bilbile Vs The State of Maharashtra]

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

Court's or Judge's orders

Shri A.K.Gawali, advocate for applicant
Shri M.M.Nerlikar, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.
DATED : 19th March, 2015

PER COURT :-

1] This is an application for regular bail in connection with Crime No. I-234 of 2014, registered with Police Station Parner, District Ahmednagar for the offences punishable under Section 302, 506 r/w 34, 176, 202 of the Indian Penal Code; Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 7(1)(d) of the Protection of Civil Rights Act.

2] I have heard Shri A.K.Gawali, learned counsel for the applicant and Shri M.M.Nerlikar, learned Additional Public Prosecutor for the respondent/State.

3] According to the prosecution case, the present applicant, who is a woman, was having illicit relations with the deceased Santosh for a long period. These illicit relations were objected by the brother-in-law of the applicant, who is also one of the co-accused in the present crime.

4] The investigating agency has already completed its entire investigation and charge sheet is filed in the court of law.

Present applicant is arrested on 10.10.2014 and since

then she is languishing in jail. According to the charge sheet and according to the learned Additional Public Prosecutor, there is a strong motive for the present applicant to eliminate the deceased in view of the illicit relations.

From the entire charge sheet, learned Additional Public Prosecutor was unable to point out any direct incriminating material, except spot panchanama which shows the broken bangles and contraceptives, and therefore, he prayed that the presence of the applicant at the spot is established.

5] One cannot forget the fact that illicit physical relations of the present applicant and the deceased are not in dispute, and hence, noticing of contraceptives and the broken bangles are of little use for deciding the application for bail.

Except this, there is no other incriminating material against the present applicant in the entire charge sheet. Further the applicant is a woman.

6] Looking to the nature of the evidence against the present applicant and looking to the fact that she is a woman, she is entitled for grant of bail. This court has considered the bail application of the applicant favourably only because the applicant is a woman. In that view of the matter, I propose to pass the following order.

ORDER

- (i) Criminal Application is allowed.
- (ii) Applicant Vaishali Baban Bilbile be released on bail, in connection with Crime No. I-234 of 2014, registered with Police Station Parner, District Ahmednagar for the offences punishable under Section 302, 506 r/w 34, 176, 202 of the Indian Penal Code; Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act; and Section 7(1)(d) of the

Protection of Civil Rights Act, on she executing
P.R. Bond in the sum of Rs.5,000/- with one
solvent surety in the like amount.

- (iii) Bail before the trial court.
- (iv) Application is disposed of.

(V.M.DESHPANDE, J.)

dbm/crap994.15