

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
CRIMINAL APPELLATE JURISDICTION.**

Criminal Application No.1299 Of 2015.

SEEMA S/O KAILASH SARKATE.

VERSUS

THE STATE Of MAHARASHTRA.

Appearance =>

Mr. N.S. Ghanekar, Advocate for the Applicant.

Mrs. V.A. Shinde, Additional Public Prosecutor for the State of Maharashtra.

Coram : V.M. Deshpande, J.

Date : 25th March, 2015.

Per Court :-

Present Criminal Application is filed by the applicant for grant of regular bail in connection with CR No. I 4/2015 registered with Police Station, Basamba District - Hingoli for the offences punishable under Section.s. 302, 498(A), 304(B), 120(B), 201 of the Indian Penal Code.

[2] Heard Mr. N.S. Ghanekar, learned counsel for the Applicant and Mrs. V.A. Shinde, learned Additional Public Prosecutor for the State.

[3] Deceased is one Kalpana Kailas Sarkate. There is no dispute that, said deceased Kalpana is the first wife of accused No.1 – Kailas and present applicant is his second wife. First Information Report shows that, Kalpana was ill-treated by her husband - Kailas and his

other family members on the count of dowry. Allegations made against the present applicant in the First Information Report are most general.

[4] Mrs. V.A. Shinde, learned Additional Public Prosecutor has opposed the bail application of present Applicant on the ground that investigation is in progress. However, she has made available various statements of witnesses, recorded by the Investigating Officer during the course of investigation. From the police papers it appears that, investigation is almost at the verge of completion. Even from the police papers, it is clear that there is no eye witness account. At the most entire statements of the witnesses are taken to their face value. The applicant was seen in the company of deceased alongwith accused No.1.

[5] Mrs. V.A. Shinde, learned Additional Public Prosecutor for the State has submitted that there is no recovery at the instance of present applicant.

[6] Present application for bail of the applicant is considered only on the ground that she is women. Looking to the nature of allegations and looking to the material collected during the course of investigation, discretion can be exercised in favour of the applicant, she being women. Hence, I pass the following order :-

ORDER

- (i) Criminal Application No.1299 Of 2015 is allowed.
- (ii) Applicant Seema Kailas Sarkate shall be released on anticipatory bail on her executing PR. Bond of Rs. 5000/- [Rs. Five Thousand.] with one solvent surety in the like amount, in connection with CR No.CR No. I 4/2015 registered with Police Station, Basamba District - Hingoli for the offences punishable under Section.s. 302, 498(A), 304(B), 120(B), 201 of the Indian Penal Code.
- (iii) Criminal Application is disposed of.

(V.M. DESHPANDE, J.)