

FARAD CONTINUATION SHEET NO.

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

CRIMINAL APPLICATION NO. 1820 OF 2015**[Asha Lata w/o Ganpat Kajle and anr. 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 Rajendra Deshmukh, advocate for applicants
Smt. V.A.Shinde, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.**DATED : 23rd April, 2015****PER COURT :-**

1] At the out set, learned counsel Shri Rajendra Deshmukh submits that he has instructions to withdraw the application in respect of applicant no.2-Haribhau Ganpat Kajle.

2] In so far as application of applicant no.1 is concerned, she is arrested on 17.11.2014 in connection with Crime No. 152 of 2014, registered with Manwat police station, District Parbhani, for the offence punishable under Section 302 r/w 34 of the Indian Penal Code.

3] Deceased is one Rameshwar, who is close relative of the applicant.

4] The investigation is already over and charge sheet is filed.

5] From the first information report and also from other material available on record, the role attributed to present applicant Asha Lata is that she has assaulted deceased on his private part.

6] The postmortem report shows that the deceased died due to strangulation with excessive hemorrhage. The

learned Additional Public Prosecutor Smt. Shinde submitted that there is a recovery at the instance of the present applicant of the stone which was used by the present applicant as weapon. In the statements of Nandabai wife of deceased and independent witness Ushabai there is variance in respect of the act on the part of the present applicant. Further, the applicant is lady. Therefore, only on that count the court is considering her case favourably looking to the fact that the death is caused due to strangulation. Hence I pass following order.

ORDER

- (i) Criminal Application in respect of applicant no.2- Haribhau s/o Ganpat Kajle is hereby dismissed as withdrawn.
- (ii) Application of applicant no.1-Asha Lata w/o Gnpat Kajle is allowed.
- (iii) Applilcant no.1-Asha Lata be released on bail on she executing P.R. bond in the sum of Rs.10,000/- with one solvent surety in the like amount, in connection with Crime No. 152 of 2014, registered with Manwat police station, District Parbhani, for the offence punishable under Section 302 r/w 34 of the Indian Penal Code.
- (iv) Bail before the trial court.

(V.M.DESHPANDE, J.)

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