

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO. 2613 OF 2015.

ASHA RAMRAO PAWAR
VERSUS
THE STATE OF MAHARASHTRA.

Appearance =>

Mr. Satyajit S. Bora, Advocate for the Applicant.

Mr. V.H. Dighe, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 16th June, 2015.

Per Court :-

Present Criminal Application is filed by the Applicant for grant of regular bail, in connection with CR No.171/2014 registered with Police Station, Jamkhed, District – Ahmednagar for the offences punishable under Section/s. 302, 143, 147, 149, 506, 120(B) of the Indian Penal Code and under Section 4 read with 25 and Section 3 read with 25 of the Arms Act.

[2] Heard Mr. Satyajit S. Bora, learned counsel for the Applicant and Mr. V.H. Dighe, learned Additional Public Prosecutor for the State of Maharashtra.

[3] After completion of entire investigation, the Investigating Officer has filed the charge sheet before the court of law. Deceased is one Balu Jijaba Mane. At Aarole vasti, Jamkhed, there are two groups known as 'SAMATA GROUP' and 'SARKAR GROUP'. Deceased Balu belongs to Samata Group; where-as accused belongs to Sarkar Group. Both these groups runs separate gymnasium.

[4] In the First Information Report, it is alleged that on 17th November, 2014 after completing his exercise in gymnasium when deceased Balu was standing outside the gym that time, he was brutally attacked by six persons and he was done to death.

[5] First Informant – Sanjay is the eye witness. In the First Information Report, he does not claimed that at the time of incident, Applicant – Asha was present there. It is also not stated in the First Information Report that in the near proximity of the incident he has seen Applicant giving any instigation to the persons, who have attacked the deceased.

[6] The material which is sought to be pressed into service by the learned Additional Public Prosecutor is the statements of Mahadeo Murkute, Jijaba Sakham Mane and Sumanbai Sarjerao Duche. According to the statements of these persons, they learn that on the say of present Applicant, other accused have committed the murder of Balu. Except this, there is no material in the entire charge sheet against the present Applicant.

[7] The Applicant is arrested on 21st November, 2014 and since then she is languishing in jail. Charge sheet is already filed. Looking to the nature of the evidence collected against the present Applicant during the course of investigation, this is a fit case, wherein judicial discretion can be exercised in favour of the lady. Hence, I pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) Applicant - ASHA RAMRAO PAWAR shall be released on regular bail, on she executing P.R. Bond of Rs.5,000/- [Rs. Five Thousand.] with one solvent surety in the like amount, in connection with CR No.171/2014 registered with Police Station, Jamkhed, District – Ahmednagar for the offences punishable under Section/s. 302, 143, 147, 149, 506, 120(B) of the Indian Penal Code and under Section 4 read with 25 and Section 3 read with 25 of the Arms Act.

(iii) It is directed that the Applicant should not enter at Aarole vasti situated at Jamkhed, District – Ahmednagar, till completion of the trial.

(iv) With this Criminal Application is allowed and same is disposed of accordingly.

(V.M. DESHPANDE, J.)