

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

CRIMINAL APPLICATION NO. 3780 OF 2015

Fulsing s/o Chhagan Jarwal & Anr. **APPLICANTS**

V E R S U S

The State of Maharashtra **RESPONDENT**

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Mr. N.K.Chaudhari, Advocate for Applicants.

Mrs.Pratibha Bharad, A.P.P. for Resp. – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 28th JULY, 2015

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PER COURT :

1. This is an application for grant of bail. Present applicants, who are father-in-law and daughter-in-law are arrested in connection with Crime No. 39/2015 registered with Sillegaon police station, District Aurangabad for the offences punishable u/s 302,323,143,147,149,504,506 of the Indian Penal Code.

2. Heard Mr. N.K.Chaudhari, learned counsel for the applicants and Mrs.Pratibha Bharad, learned A.P.P. for respondent – State.

3. Investigation is over. Charge sheet is already filed in the Court of law.

4. F.I.R. is lodged by Premsing Jarwal, who is the son of deceased Gangabai. Present applicants are also in close relation with deceased and the first informant. F.I.R. shows that on triffling issue, on the day of the incident, dispute occurred though the F.I.R. shows that the dispute on the basis of road was long standing in between them.

5. According to F.I.R. on the day of the incident, present applicants caught hold deceased Gangabai and co-accused Charansing administered poisonous substance to her.

6. Learned counsel for the applicants invited my attention to page Nos. 35 and 36 of the charge sheet. It shows that deceased was brought in the hospital in unconscious condition by Premsing himself. Those two medical papers show that at the time of admitting his mother, Premsing reported to the Chief Medical Officer that his father has taken some poisonous substance in the house.

7. Learned A.P.P. opposed application for bail on the ground that there are eye witnesses. According to learned A.P.P., the role ascribed to the applicants is that they caught hold the deceased and thereafter co-accused Charansing administered poison to Gangabai.

8. *Prima facie*, there are two versions available in the

prosecution case, as observed above. Investigation is already over. Applicant No. 1 is aged about 65 years even according to charge sheet and applicant No. 2 is young woman. Therefore, discretion can be exercised in favour of these applicants. That leads me to pass the following order.

- (i) Present Criminal Application is hereby allowed.
- (ii) Applicant No. 1 Fulsing s/o Chhagan Jarwal and applicant No. 2 Hirabai w/o Vitthalsing Jarwal be released on bail in connection with Crime No. 39/2015 registered with Sillegaon police station, District Aurangabad for the offences punishable u/s 302,323,143,147,149,504,506 of the Indian Penal Code on they executing P.R. Bond of Rs. 15,000/- [Rupees Fifteen Thousand] with one solvent surety of like amount by each of them. Bail before the trial Court.
- (iii) Applicant No. 1 Fulsing s/o Chhagan Jarwal shall attend Sillegaon police station once in a fortnight preferably on every Sunday between 3.00 – 5.00 p.m. till the charge is framed by the learned trial Court.
- (iv) Applicant No. 1 Fulsing s/o Chhagan Jarwal and applicant No. 2 Hirabai w/o

Vitthalsing Jarwal shall not cause any threat to the first informant or to his family members.

- (v) With these observations, present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]