

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

CRIMINAL APPLICATION NO. 4066 OF 2015

Anandabai w/o. Bhaurao Jagdambe & others

.... APPLICANTS

V E R S U S

The State of Maharashtra

.... RESPONDENT

.....

Mr. U.B. Bilolikar , Advocate for Applicant.

Mr. V.H. Dighe, A.P.P. for Respondent – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 12th August, 2015

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PER COURT :

1. Heard Shri Bilolikar for the applicant and Shri V.H. Dighe, APP for the State.
2. By the present application, the applicants who are ladies are claiming bail since they are arrested in connection with Crime No. 71 of 2015, registered with Dharmabad Police Station, District Nanded, for the offence punishable under Section 302, 498-A r/w. 34 of IPC.

3. The application is opposed by the learned APP on the ground that the investigation is in progress and charge sheet is not filed.
4. The FIR is lodged by Raosaheb, who is brother of the deceased Kalpanabai. According to the FIR, the marriage of Kalpanabai took place with Hausaji about 10 years ago and the couple was blessed with one daughter and one son. Initially, there was good treatment to his sister. However, according to the FIR, since the last 2 years, Hausaji, the husband of deceased was habituated to drinking and under the influence of liquor, he used to beat Kalpanabai. The allegations against the present applicants, who are mother in law and sister in law of the deceased, is that they used to instigate Hausaji for beating Kalpanabai.
5. According to learned APP, there is statement of one witness which discloses that Anandabai had demanded Rs. 50,000/- from Kalpanabai.
6. According to FIR, on 21.6.2015, Uttam brother of Hausaji, informed the first informant that the room is locked from inside and deceased Kalpanabai and Hausaji are inside. Therefore, the first informant reached to Karegaon, the matrimonial village of Kalpanabai. After reaching there, he noticed that the room was locked from inside. With the help of other villagers it was broke open. That time, he noticed that Hausaji, the husband of Kalpanabai was sitting

alongwith a big stone and Kalpanabai was found in dead condition.

7. With the aforesaid statement made in the FIR, it is crystal clear that the present applicants cannot be held responsible for the death of Kalpanabai and their application cannot be rejected only on the ground that the charge sheet is not filed. That leads me to pass the following order :-

[a] Present Criminal Application is hereby allowed and disposed of.

[b] Applicants Anandabai Bhaurao Jagdambe and Rekhabai Pandurang Jagdambe be released on bail in connection with Crime No.71/2015, registered with police station Dharmabad, District Nanded for the offences punishable u/s. 302, 498-A read with Section 34 of the Indian Penal Code on they executing P.R. Bond of Rs. 5,000/- [Rupees Five Thousand]each, with one solvent surety of like amount.

[c] Bail before the trial court.

[d] The observations made in this order are purely prima facie in nature and the learned Judge who will conduct the trial shall not get influenced by the same.

[V.M.DESHPANDE, J.]