

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

CRIMINAL APPLICATION NO.4288 OF 2015

Ashwini w/o Arun Deshmukh

.. Applicant

Versus

The State of Maharashtra

.. Respondent

Mrs Uma S.Bhosale, Advocate for applicant

Mr S.R. Palnitkar, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 28th August 2015

PER COURT

Heard.

2. The present applicant is seeking regular bail for offences punishable under Sections 302, 114 read with Section 34 of the Indian Penal Code vide Crime No.48/2015 registered with Latur Rural Police Station, District Latur.

3. The allegation against the present applicant is that the accused Sachin Pralhad Kamble was working as a servant in the field of deceased Arun Deshmukh since last couple of years and as such, he had developed illicit relations with the present applicant - wife of deceased Arun Deshmukh.

4. The offence came to be registered based upon the complaint lodged by Narayan @ Babu Deshmukh, real brother of deceased Arun wherein allegation of illicit relations of present applicant with the accused Sachin were made. The said story of illicit relations was further confirmed from the statements of witnesses.

5. Apart from above evidence, there is no independent evidence connecting the present applicant with the crime in question.

6. In the background of prosecution case, learned Counsel Mrs Bhosale for the applicant states that in view of the fact that the investigation is complete and the applicant is behind the bar since 16th March 2015, she is entitled for regular bail. In addition to above, she would urge that the applicant is blessed with three children and in view of death of her husband, she is required to take care of them. Learned Counsel for the applicant, in addition to above would urge that recovery, if any is from accused Sachin and there is no evidence on record to infer or connect the present applicant of having illicit relations with Sachin or the present applicant is responsible for the death of Arun.

7. If the above referred submissions are analysed in the background of evidence brought on record by the prosecution, it is noted that there was recovery of handle of axe along with axe and the burnt clothes from accused Sachin, who is already behind the bar.

8. The mobile of Arun and that of accused were seized. The investigating agency has not carried out investigation from the angle of connecting the present applicant with accused Sachin, particularly there were any regular phone calls in between both the accused.

9. Leave apart, in view of the fact that the investigation is complete and there is no direct evidence connecting the present applicant with the death of Arun, it will be appropriate, in my opinion to order release of the present applicant in the background of first proviso of Section 437 of the Cr.P.C.

10. As such, Criminal Application is allowed. The applicant Ashwini wife of Arun Deshmukh be released on bail in above referred crime, upon furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

(N.W. SAMBRE, J.)

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