

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

CRIMINAL APPLICATION NO.4717 OF 2015

1. Lukman s/o Kasam Tadvī,
Age 34 years, Occu. Agri.,
R/o Chunchade, Taluka Yawal,
District Jalgaon
 2. Usman s/o Kasam Tadvī,
Age 32 years, Occu. Agri.,
R/o Chunchade, Taluka Yawal,
District Jalgaon
 3. Jarina w/o Lukman Tadvī,
Age 28 years, Occu. Household
R/o Chunchade, Taluka Yawal,
District Jalgaon
- ..Applicants

Versus

- . The State of Maharashtra
- ..Respondent

Mr N.S. Ghanekar, Advocate for applicants
Mr S.M. Ganachari, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 20th October 2015

PER COURT

Heard learned Counsel for applicants and learned A.P.P.

2. The prosecution case against the present applicant No.3 – Jarina is that she has set on fire one Mumtaz on 12th December 2014 resulting into registration of Crime No.I-120/2014 at Yawal Police Station, District Jalgaon for the offences punishable under Sections 302, 307, 452 read with sec.34 of Indian Penal Code. She was arrested on 12th December 2014.

3. While making out the case for grant of bail, particularly by relying upon the provisions of Section 437 of Cr.P.C., Mr Ghanekar submits that he shall not press the application for applicants No.1 and 2 who are husband and brother of husband. As such, Criminal Application stands dismissed so far as applicants No.1 Lukman Kasam Tadvī and applicant No.2 Usman Kasam Tadvī are concerned. He then submits that the applicant No.3 Jarina is in jail along with minor child and her other two children are living outside the jail.

4. While opposing the application for grant of bail, learned A.P.P. would urge that the eye witness Mumtaz has attributed specific role to the applicant No.3, as according to him, there was enmity in between the deceased Mumtaz and the applicant No.3 – Jarina. According to him, if the applicant is released on regular bail, there are chances of tampering of evidence.

5. Perused the case diary. It is not disputed that the applicant is in jail with her minor child and her two children are living outside the jail. It is a fact that applicant's husband and brother of her husband are also arrested and they are behind the bars.

6. Looking to the nature of accusations and the evidence that is brought on record, it will be appropriate by taking recourse to the proviso to Section 437 of the Cr.P.C. to order release of the applicant No.3 – Jarina on regular bail. As such, I propose to pass the following order.

(I) The applicant No.3 - Jarina wife of Lukman Tadvī be released on bail in Crime No.I-120/2014 at Yawal Police Station, District Jalgaon for the offences punishable under Sections 302, 307, 452 read with sec.34 of Indian Penal Code, upon furnishing P.R. Bond of Rs.20,000/- (Rs. Twenty thousand) with one surety in the like amount;

(II) The applicant No.3 - Jarina shall keep herself away from the jurisdiction of concerned Police Station till conclusion of the trial, but for attending the trial.

7. Criminal Application stands allowed in above terms to the extent of applicant No.3 - Jarina Lukman Tadvī.

(N.W. SAMBRE, J.)

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