

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO.6928 OF 2014

Laxmi w/o. Narendra Sonavane
(Sapkale) ..Applicant

Versus

The State of Maharashtra ..Respondent

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Mr.K.C.Sant, advocate for applicant

Mr.S.G.Sangle, AGP for respondent - State

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CORAM : M.T. JOSHI, J.
DATE : FEBRUARY 17, 2015

PER COURT :

Heard both sides.

2] Present applicant, who is arrested in Crime No.52 of 2012 registered with Nashirabad Police Station, Dist. Jalgaon out of which, now, Sessions Case No.211 of 2012 is pending in the Sessions Court, Jalgaon, for the offences punishable under Section 302, 201 read with 34 of Indian Penal

Code, is praying for her release on bail. The applicant was arrested in the month of July, 2012.

3] The order passed by this Court would show that the deceased was done to death on the suspicion of having evil intention regarding the applicant and lateron regarding her daughter. In the circumstances, the dead body of the deceased was found in fully burnt condition.

4] The evidence on record suggested that in the night of the incident, present applicant with another accused had called the deceased from his house and thereafter, was made to board a vehicle and was, thereafter, not seen. Besides this, according to the prosecution, the blood stained clothes of the applicant were seized after the incident.

5] Mr.Sant, learned counsel for the applicant, submits that the applicant is a woman and she is behind the bars since last two years and seven months. He submits that though the trial has begun, the matter is delayed as the complainant is prolonging the matter as various writ petitions are filed. Some of the additionally added accused are also released on bail. Learned counsel for the applicant relies on the ratio laid down by the Hon'ble Supreme Court in the case of ***Dr.Vinod Bhandari Vs. State of M.P., Criminal Appeal No.220 of 2015 (arising out of SLP (CRL.) No.7506 of 2014)*** wherein, finding that the accused was in the custody for about one year and there was no prospect of immediate trial, though the accused therein was not released on bail, concern was expressed regarding the pendency of the trial.

6] Learned A.P.P., however, opposes the application. He submits that the evidence on

record would show that not only the present applicant, but another added accused had joined in committing murder of the deceased on suspicion. The record regarding the added accused would show that even one influential person i.e. a Corporator, was involved, who, though was in the magisterial custody, taking treatment in the hospital, has participated in the crime and therefore, addition of the accused is there. He, therefore, submits that since there is a strong *prima facie* case against the present applicant, she may not be released on bail.

7] Having considered overall facts on record and the role attributed to the present applicant in the crime, in my view, though there is some delay in early conclusion of the trial for the reasons beyond the control of the complainant that, earlier, some accused was not arrayed in the

charge sheet by the prosecution, this is not a fit case to release the applicant on bail.

8] Hence, the application is rejected.

[M.T. JOSHI, J.]

kbp